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POSEY COUNTY COURTHOUSE, MOUNT VERNON, INDIANA

INVENTORY OF THE COUNTY ARCHIVES
OF INDIANA

Prepared by

The Indiana Historical Records Survey
Division of Professional and Service Projects
Work Projects Administration

Sponsored by
Indiana Historical Bureau

NO. 65. POSEY COUNTY
(MOUNT VERNON)

The Indiana Historical Records Survey
Indianapolis
1940

FOREWORD

1200033

The Inventory of the County Archives of Indiana is one of a number of bibliographies of historical materials prepared throughout the United States by workers on The Historical Records Survey Program of the Work Projects Administration. The publication herewith presented, an inventory of the archives of Posey County, is number 65 of the Indiana series.

The Historical Records Survey Program was undertaken in the winter of 1935-36 for the purpose of providing useful employment to needy unemployed historians, lawyers, teachers, and research and clerical workers. In carrying out this objective, the project was organized to compile inventories of historical materials, particularly the unpublished government documents and records which are basic in the administration of local government, and which provide invaluable data for students of political, economic, and social history. The archival guide herewith presented is intended to meet the requirements of day-to-day administration by the officials of the county, and also the needs of lawyers, business men, and other citizens who require facts from the public records for the proper conduct of their affairs. The volume is so designed that it can be used by the historian in his research in unprinted sources in the same way he uses the library card catalog for printed sources.

The inventories produced by The Historical Records Survey Program attempt to do more than give merely a list of records— they attempt further to sketch in the historical background of the county or other unit of government, and to describe precisely and in detail the organization and functions of the government agencies whose records they list. The county, town, and other local inventories for the entire country, will, when completed, constitute an encyclopedia of local government as well as a bibliography of local archives.

The successful conclusion of the work of The Historical Records Survey Program, even in a single county, would not be possible without the support of public officials, historical and legal specialists, and many other groups in the community. Their co-operation is gratefully acknowledged.

The Survey Program was organized and has been directed by Dr. Luther H. Evans, who served as Director until his appointment as Director of the Legislative Reference Service of the Library of Congress. He was succeeded on March 1, 1940 by Sargent B. Child, who had served in the capacity of Field Supervisor since the inauguration of the Survey. The Survey Program operates as a nation-wide series of locally sponsored projects in the Division of Professional and Service Projects, of which Mrs. Florence Kerr, Assistant Commissioner, is in charge.

F. C. HARRINGTON
Commissioner

PREFACE

The Historical Records Survey, a project of the Division of Professional and Service Projects of the Work Projects Administration, was organized in January 1936 under the supervision of Dr. Luther H. Evans, National Director, who was succeeded on March 1, 1940 by Sargent B. Child. On February 19, 1936 the survey of local public records was begun in Indiana as part of the Federal Writers' Project. Samuel J. Kagan was assigned to direct public records work, and when in September 1936 the Survey became independent of the Writers' Project, Mr. Kagan was named State Director. On September 1, 1939 the Indiana Historical Records Survey became a state project, under the sponsorship of the Indiana Historical Bureau. Roger A. Hurst, formerly of the Indiana Writers' Program, was appointed State Supervisor of the Survey in January 1940 and Canis E. Brockway continued to serve as Assistant State Supervisor.

The objectives of the Indiana Historical Records Survey are to discover, preserve, and make accessible historical materials of a public or semi-public nature. Inventories of the records of counties, cities, and other governmental units, of churches and manuscript depositories have been or will be published. The Survey also transcribes early county commissioners' and circuit court records as a measure of preservation.

The *Inventory of the County Archives of Indiana* will, when completed, consist of a separate volume for each county. A list of inventories published to date appears on the last page of this volume. Numbers are assigned according to the county's position, in alphabetical order, and thus the Posey County volume is number 65. The field work of the Survey in Posey County was begun May 27, 1936 and completed June 30, 1936. Many visits to the courthouse have been made since to check information used in this book and the final recheck was made in February 1940.

The inventory proper is preceded by essays on the history, government, and records of the county. The records themselves are described in entries whose style is formalized to give the following information: Title of record, dates for which

available, quantity, labelling of volumes and containers, variant titles, description of record contents, manner of arrangement, indexing, nature of recording, size of volumes or containers, and location. The various bureaus of the county are arranged in functional order: Governing boards; major administrative offices; judicial offices; and financial, election, educational, health, public welfare, engineering, and other groups. Wherever applicable, natural groupings under separate headings are made within the bureau, and the entries are arranged thereunder also according to functional sequence.

Field work collected locally for this volume was submitted to the state editorial staff directed by Frank E. Ross. Staff department heads who helped prepare this book were: Marshall Cowgill, record entries; W. Davis Hamilton, legal research; Howard Oates, proofreading and indexing; Dr. J. Harley Nichols, historical sketch; Richard I. Nation, housing essay; and Fred S. Knodle, cartography. This volume was multigraphed and bound by WPA labor directed by William Deupree.

The Survey is deeply indebted to many Posey County officials; to Dr. Christopher B. Coleman, Director of the Indiana Historical Bureau, who gave valuable advice and service; to John K. Jennings, State WPA Administrator; to Mildred E. Schmitt, State Director of the Professional and Service Projects Division, who has rendered the Survey a great personal service in the administering of the project; to John D. Stuckey, Chief of the Research and Records Section; and to many others who contributed time and effort.

Five hundred copies of this volume have been published. Copies have been distributed without charge to state libraries, various government offices, and other depositories throughout the state and nation. Copies will also be available in Posey County for all persons, public offices, or institutions having occasion to use county records.

ROGER A. HURST

State Supervisor

The Indiana Historical Records Survey

Indianapolis, Indiana

June 1940

THE HISTORICAL RECORDS SURVEY PROGRAM

Sargent B. Child, Director
Roger A. Hurst, State Supervisor

DIVISION OF PROFESSIONAL AND SERVICE PROJECTS

Florence Kerr, Assistant Commissioner
Alma B. Kerr, Chief Regional Supervisor
Mildred E. Schmitt, State Director

WORK PROJECTS ADMINISTRATION

F. C. Harrington, Commissioner
George H. Field, Regional Director
John K. Jennings, State Administrator

POSEY COUNTY OFFICIALS

1940

CLERK OF THE CIRCUIT COURT
Guy Cleveland

PUBLIC HEALTH NURSE
Charlotte V. Bates

RECORDER
Louis Alldredge

COUNTY HIGHWAY SUPERVISOR
Charles K. Knowles

JUDGE OF THE CIRCUIT COURT
H. F. Clements

SURVEYOR
J. H. Leffel

SHERIFF
John H. McFadden

COUNTY HEALTH OFFICER
Dr. Wm. E. Jenkinson

CORONER
Morris Barrett

AUDITOR
George S. Green

PROSECUTING ATTORNEY
J. A. Erwin

REGISTRATION OFFICER
Guy Cleveland

COUNTY ASSESSOR
E. E. Causey

COUNTY AGRICULTURAL AGENT
O. B. Riggs

COUNTY COUNCIL

Louis Fitzgerald
 Edwin Green
 Robert Keck
 Henry Loehr
 Henry Pfliester
 Walter Pleasant
 Daniel Williams

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FARE

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 Sylvanus Johnson, Director
 Pacific Hendricks
 Mrs. James Kilroy
 Mrs. George Kuebler

BOARD OF COMMISSIONERS

Kelly DeFur
 Dan Price
 Virgil Williams

BOARD OF FINANCE

Kelly DeFur
 Dan Price
 Virgil Williams

COUNTY BOARD OF REVIEW

Louis Alldredge
 E. E. Causey
 George S. Green
 Walter Lyke
 W. C. Niblo

COUNTY BOARD OF CANVASSERS AND
COUNTY BOARD OF ELECTION COM-
MISSIONERS

Guy Cleveland
 Dale DeFur
 Fritz Long

COUNTY BOARD OF TAX ADJUST-
MENT

Herschel Blackburn
 Lincoln R. Ford
 Joseph B. Goebel
 George Krug
 Albert H. Vaupel
 Daniel Williams
 Robert E. Wilson

TOWNSHIP TRUSTEES

L. Alexander
 Herschel Blackburn
 Jacob Dausman
 Henry Dixon
 Sherman Duly
 Norvel Rogers
 Clarence Saalwachter
 Louis Schlosser
 Chas. Schutz
 Adous Wiley

BOARD OF PRIMARY ELECTION COM-
MISSIONERS

Guy Cleveland
 Dale DeFur
 Fritz Long

COUNTY SCHOOL FUND BOARD

Buchard Ashworth
 Guy Cleveland
 George S. Green

COUNTY BOARD OF EDUCATION

*Composed of the county superintendent
 of schools, the township trustees, and
 the chairmen of municipal school boards*

COMMISSION OF PUBLIC RECORDS

*Composed of the judge and clerk of
 the circuit court, the president of the
 board of commissioners, and the auditor*

COUNTY SUPERINTENDENT OF
SCHOOLS

Elden Crawford

TREASURER

Walter Lyke

CONTENTS

PART A. POSEY COUNTY AND ITS RECORDS SYSTEM

	Page
1. Historical Sketch	1
Natural setting. Early Indiana. White settle- ment. Creation and organization. The Harmony societies. Early county finance. Transportation. Social welfare. Education. Agriculture. Indus- try. Early journalism. Posey County today.	
2. Governmental Organization and Records System	24
Legal status of the county. Structural development of county government. Officers. Boards. Courts. General administration: Contracts, Actions. Re- cordation. Judiciary. Law enforcement. Finance: Appropriations and budgets, Taxation, Excise taxes and licensing, Fees, Funds received from the state, Claims and allowances, Custody and disbursement of funds, Public debt. Elections. Education. Pub- lic health: Vital statistics. Welfare assistance. Public works and property: Roads and bridges, Pub- lic buildings, Drainage, Other public property. Miscellaneous functions. Records system.	
3. Housing, Care, and Accessibility of the Records	98
4. Bibliography	107
5. Abbreviations, Symbols, and Explanatory Notes	114

PART B. COUNTY OFFICES AND THEIR RECORDS

I. Board of Commissioners	119
Proceedings and reports. Licenses. Bond issues. Bids. Claims and allowances. Public improvements.	
II. County Council	131
III. Clerk of the Circuit Court	135
Official bonds. Licenses and certificates: Mar- riage, Professional, Commercial, Hunting, fishing, and trapping, Firearms. Miscellaneous. Receipts and disbursements.	

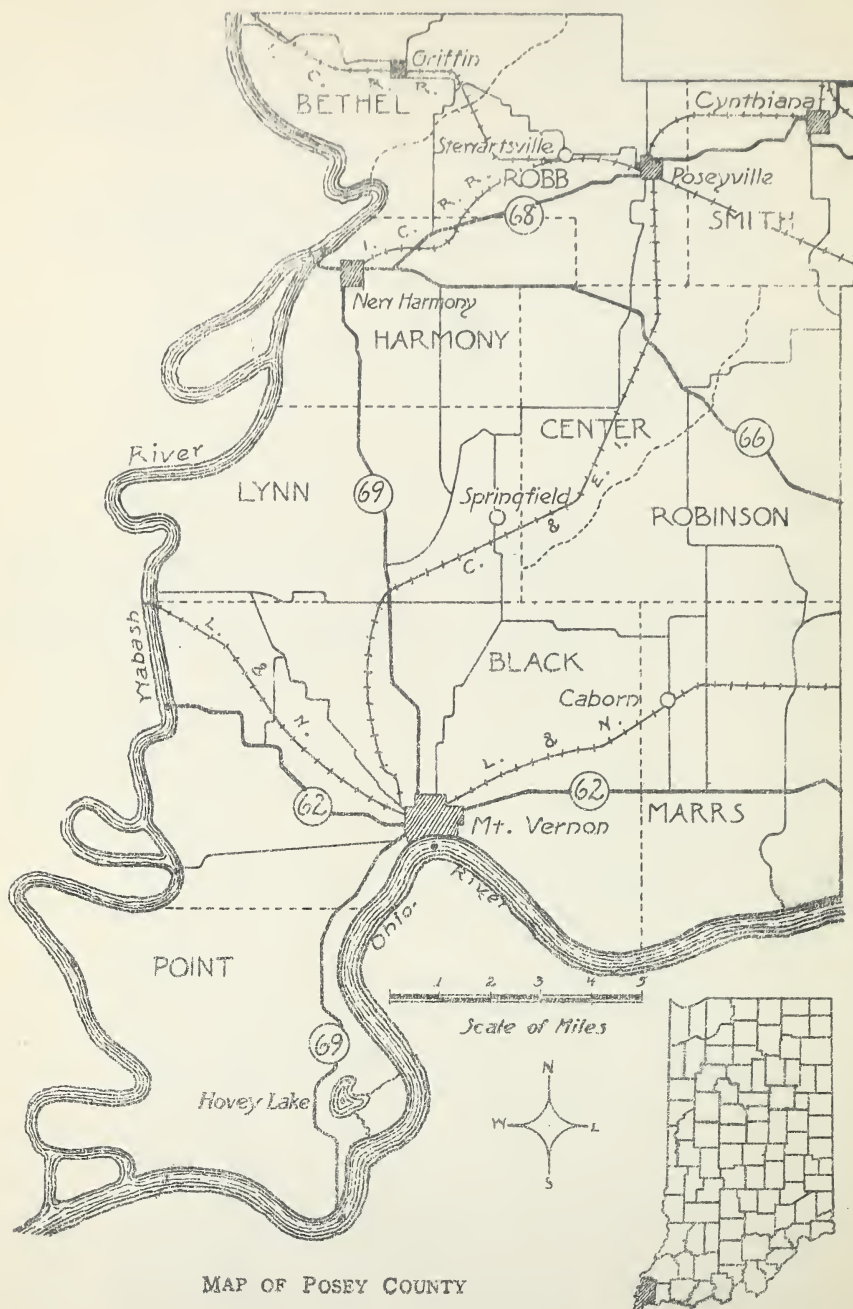
	Page
IV. Recorder	152
Filing of instruments for recording. Land trans- fers: Deeds and titles, Plats. Mortgage transac- tions: Real estate, Chattel. Liens. Miscellaneous instruments. Fee and cash records. Newspapers.	
V. Circuit Court	168
Civil causes: Filing of actions, Original docu- ments, Sanity, Naturalization, Drainage, Min- utes, Orders, Judgments, Executions, Complete transcripts, Fee and cash records. Criminal causes: Filing of actions, Original documents, Affidavits and indictments, Bonds, Minutes, Orders, Fee and cash records. Probate causes: Filing of actions, Original documents, Wills, Bonds, Inventories and sale bills, Minutes, Or- ders, Fee and cash records. Juvenile causes. Miscellaneous.	
VI. Sheriff	195
Service on writs. Executions on judgments. Jail records. Fee and cash records.	
VII. Coroner	202
VIII. Prosecuting Attorney	206
IX. County Assessor	212
X. County Board of Review	217
XI. County Board of Tax Adjustment	220
XII. Board of Finance	223
XIII. County School Fund Board	225
XIV. Treasurer	229
Tax collections: Real and personal, Inherit- ance, Public improvements, Delinquent, Receipts and disbursements: General fund, School fund.	
XV. Auditor	240
Audits and reports. Receipts and disbursements: General fund, Poor fund, Public improvements. Taxes: Appraisements, Assessment lists, Exemp- tions, Duplicates, Delinquent, Plats. School funds. Official bonds. Miscellaneous.	
XVI. Registration Officer	272
XVII. Board of Primary Election Commissioners	278
XVIII. County Board of Canvassers	282
XIX. County Board of Election Commissioners	284
XX. County Board of Education	289
XXI. County Superintendent of Schools	291
Reports. Teachers. Pupils.	

CONTENTS

	xi
	Page
XXII. County Health Officer	297
Vital statistics.	
XXIII. Public Health Nurse	300
XXIV. County Department of Public Welfare	305
Proceedings. Old-age assistance. Dependent children. Financial record.	
XXV. Surveyor	312
Surveys. Public improvements: Roads, Bridges, Ditches, Levees and embankments, Buildings.	
XXVI. County Highway Supervisor	320
Public improvements.	
XXVII. County Agricultural Agent	322
XXVIII. Commission of Public Records	325
Index	329

ILLUSTRATIONS

Posey County Courthouse, Mount Vernon, Indiana	<i>Frontispiece</i>
Map of Posey County	xii
Chart of Posey County Governmental Organization, 1940 ...	33
Floor Plans, Posey County Courthouse	101, 103



MAP OF POSEY COUNTY

PART A. POSEY COUNTY AND ITS RECORDS SYSTEM

1. HISTORICAL SKETCH

Posey County is located in the extreme southwestern corner of Indiana, in the "pocket" made by the confluence of the Ohio and Wabash rivers. These streams form its southern and western boundaries, respectively, the former separating it from Kentucky and the latter from Illinois. The greater part of the eastern boundary is formed by Vanderburgh County. Gibson County forms the remainder of its eastern boundary and its northern boundary. It has an area of 402 square miles or 257,280 acres. It was named in honor of Thomas Posey, a Revolutionary soldier and the last Governor of Indiana Territory.¹

NATURAL SETTING

The county is divided into two main physical divisions—the upland and the flood plain of the Ohio and Wabash rivers. The latter varies in width from a few rods to four or five miles. Its surface is generally level but in places is gently undulating. Along the Wabash the ascent from the river bottom to the upland often assumes the form of a steep bluff, rising in some places to an altitude of 150 feet above the river. Along the Ohio the slope is more gradual. The surface of the upland is for the greater part undulating.

The northern and central portions of Posey County, respectively, drain into the Wabash through Black River and Big Creek and its tributaries. The southern part drains into the Ohio through Mill Creek (flowing through Mount Vernon) and other small streams.

Underlying the surface of the entire county are rocks belonging to the carboniferous or coal-bearing group. These rocks, usually shales or shaly sandstone, are met at an average

¹ *Year Book of the State of Indiana for the Year 1936* (Fort Wayne, Indiana, 1937), 885. For a brief biographical sketch of Thomas Posey see William W. Woolen, *Biographical and Historical Sketches of Early Indiana* (Indianapolis, Indiana, 1883), 21-28.

depth of 20 feet. Glacial evidence is found in the northern part of the county.²

The average annual temperature of the county is about 56° Fahrenheit, varying from an average of about 35° in January to an average of about 80° for July. The average annual rainfall is about 40 inches. Over a period of nine years the last killing frost in spring varied from March 29 to May 19, the first killing frost in the fall varied from September 27 to November 8, and the growing season for the nine years averaged 186 days.³

EARLY INDIANA

Evidence exists that the Mound Builders once lived within the present limits of Posey County, but little is known of these mysterious people.⁴ When the first white people came to what is now Indiana, the Indians were roaming its forests and paddling their canoes on its streams. The food they obtained by hunting and fishing was supplemented by the products of a rude agriculture. The territorial claims of the Miami, as laid down by Chief Little Turtle during the progress of treaty making at Greenville, Ohio, in 1795, embraced the entire state.⁵ Either from the unwillingness or inability of the Miami to enforce their claims, other tribes lived within or frequented the state. Included in these were the Wyandotte, Delaware, Shawnee, Chippewa, Ottawa, and the Potawatomi.⁶ The Piankashaw, who had villages in southwestern Indiana, belonged to the Miami Confederacy.⁷

In the latter part of the 17th century the French made voyages of discovery and exploration into the Ohio country, as the territory northwest of the Ohio came to be called. These were followed by trading and missionary activity among the Indians of the region. In the first half of the 18th century, three French trading posts were established in what is now Indiana: Post Miami, on the present site of Fort Wayne,

² Herbert W. Marean, "Soil Survey of Posey County, Indiana", *U. S. Department of Agriculture, Fourth Report of Field Operations of Soils* (Washington, D. C. 1902), 443-445.

³ *Ibid.*, 442, 443.

⁴ John C. Leffel, *History of Posey County, Indiana* (Chicago, Illinois, 1913), 44.

⁵ *American State Papers, Indian Affairs* (Washington, D. C. 1832), 570, 571.

⁶ William Henry Harrison, *A Discourse on the Aborigines of the Valley of the Ohio* (Cincinnati, Ohio, 1840), 36.

⁷ Elmore Barce, *The Land of the Miami* (Fowler, Indiana, 1922), 44.

about 1715; Ouiatanon, on the Wabash, near the present site of Lafayette, about 1719 or 1720; and Vincennes, on the lower Wabash, sometime before March 1733.⁸

Early in the 18th century the English began to enter the Ohio Valley from the east. The rival claims of the two countries to the territory led to the French and Indian War, as a result of which the French lost their colonial empire in America. During the American Revolution, George Rogers Clark conquered the region and in 1778 Virginia organized it as the "County of Illinois."⁹ At the close of the Revolution, the various states laying claim to the area in whole or in part surrendered their claims to the United States and in 1787 the Congress of the Confederation organized it as the Northwest Territory.¹⁰ From this territory five states and a part of a sixth were organized. Indiana Territory, embracing all the region between the present State of Ohio and the Mississippi River, except a small part of Michigan and the triangular area in southeastern Indiana known as "the gore", was organized in 1800.¹¹ In 1816 Indiana, with approximately its present boundaries, was organized and admitted into the Union as a state.¹²

The Indian claims to land in what is now Indiana were extinguished as a result of 54 separate cessions extending from the treaty of Greenville in 1795 to 1872, when the last Indian reserve was abolished.¹³ In August 1804 the Delaware

⁸ Oscar J. Craig, "Ouiatanon", *Indiana Historical Society Publications* (Indianapolis, Indiana, 1893), vol. 2, no. 2. P. G. Roy, "Sieur de Vincennes Identified", *Indiana Historical Society Publications*, vol. 7, no. 1. M. M. Quaife, "Fort Wayne in 1790", *Indiana Historical Society Publications*, vol. 7, no. 7. P. C. Phillips, "Vincennes in Its Relation to French Colonial Policy", *Indiana Magazine of History*, December 1921 (Bloomington, Indiana, 1921).

⁹ Adam Shortt and A. G. Doughty, editors, *Documents Relating to the Constitutional History of Canada, 1759-1791* (Ottawa, Ontario, 1907). W. W. Hening, *The Statutes at Large . . . of Virginia* (Richmond, Va., 1821), 9:552.

¹⁰ Clarence E. Carter, editor, *The Territorial Papers of the United States* (Washington, D. C., 1934), 2:39-50.

¹¹ *Annals of Congress*, 6th Congress, 1st Session (Washington, D. C., 1834-56), 1498. George Pence and Nellie C. Armstrong, *Indiana Boundaries: Territory, State, and County* (Indianapolis, Indiana, 1933), 138 *et seq.*

¹² For the enabling act, see *Annals of Congress*, 14th Congress, 1st Session, 1841; for the resolution admitting Indiana to the Union, see *ibid.*, 14th Congress, 2d Session, 1348.

¹³ For a complete list of the cessions, together with a map showing their locations, see William Henry Smith, *History of the State of Indiana* (Indianapolis, Indiana, 1903), 1:181-186. For the text of the treaties see "Treaties between the U. S. and the Indian Tribes", *The Statutes at*

and Piankashaw ceded to the United States a large tract of land in southwestern Indiana, from which Posey, Vanderburgh, Warrick, Spencer, Harrison, and part of Gibson, Pike, Dubois, Crawford, Orange, Washington, and Floyd counties were formed.¹⁴ As was usually the case, the cession created great dissatisfaction among the natives, especially the Shawnee who under the leadership of Tecumseh and the Prophet, maintained that no tribe had a right to alienate Indian lands without the consent of all the tribes. As a protection against Indian depredations a blockhouse was erected in what is now Posey County, about one mile southwest of the present site of Stewartsville.¹⁵ In 1811 a stockade was constructed near Show's Ford on Black River.¹⁶ The fears of the people were quieted as a result of the battle of Tippecanoe, in which the Indians were defeated by William Henry Harrison.

WHITE SETTLEMENT

The first white man to settle in Posey County is said to have been Tom Jones, an Irishman who established about 1790 a trading post in what is now Point Township and who continued to reside there until his death in 1826.¹⁷ In the first decade of the 19th century other settlers arrived, most of whom were perhaps squatters. Among these were the McFaddins, for whom the bluff upon which Mount Vernon now stands was named. Thomas Black and his four sons, James, William, Thomas, and John, came to the county in 1806 and settled in what later became Black Township. Adam Albright with his sons, Adam, William, and John settled in Black Township the following year. About the same time William Weir, Amos Robinson, Samuel Gill, Thomas Givens, and Jabez Jones came to the county. In 1807 Isaac White entered land in Harmony Township. Thomas E. Casselberry and John Waller also entered land in 1807, the former in Marrs Township and the latter in

Large of the United States of America (Boston, Mass. and Washington, D. C., 1845--), 7:49 *et seq.* (series hereafter cited as *U. S. Statutes at Large*); and Charles J. Kappler, *Indian Affairs. Laws and Treaties* (Washington, D. C., 1904; published as *U. S. Senate Document No. 452*, 57th Congress, 1st Session), 2:30 *et seq.*

¹⁴ *Ibid.*

¹⁵ Leffel, *op. cit.*, 57, 58. *History of Posey County, Indiana* (Chicago, Illinois, 1886), 285.

¹⁶ *History of Posey County, Indiana* (1886), 326.

¹⁷ *Indianapolis News*, August 19, 1915.

Bethel.¹⁸ After the battle of Tippecanoe the settlement of the county proceeded rapidly. In 1820 the county had a population of 862.¹⁹

In 1804 a land office was opened at Vincennes. The lands of Posey County were entered at this office. The acts of Congress which established the office provided that public lands might be purchased in tracts as small as 160 acres instead of 640 acres as provided by an act of 1796. The minimum price of \$2 provided by the law of 1796 was retained.²⁰ An act of 1820 lowered the minimum price to \$1.25 per acre, provided for the purchase of tracts as small as 80 acres, and abolished the credit system of payment for which provision was made by the law of 1796.²¹

CREATION AND ORGANIZATION

Posey County was created by an act of the General Assembly of Indiana Territory of September 7, 1814, effective November 1 of the same year. As constituted by that act the county was bounded on the south by the Ohio River, on the west by the Wabash River, on the north by the line dividing townships 4 and 5 south (Rector's base line), and on the east by the line dividing ranges 10 and 11 west.²² Following its formation the boundary of the county was changed several times; its present boundary, the sixth, was established by an act of the General Assembly of the State of Indiana of January 6, 1823.²³

The board empowered to transact county business convened for its first session on January 6, 1815, at the home of Absalom Duckworth, about five miles north of the present site of Mount Vernon. It was composed of Isaac Blackford, presiding judge of the first judicial circuit, and Thomas E. Casselberry and Dan Lynn, associate judges of the county. William E. Stewart filed his bond as clerk and recorder of the county, and John Carson filed bond to faithfully execute the duties of sheriff.

¹⁸ Leffel, *op. cit.*, 46, 47.

¹⁹ Commissioners' Record, B:19, *see* entry 1.

²⁰ *U. S. Statutes at Large*, 2:277-283.

²¹ *Ibid.*, 3:566, 567.

²² Louis B. Ewbank and Dorothy L. Riker, editors, *The Laws of Indiana Territory, 1809-1816* (Indianapolis, Indiana, 1934), 529 *et seq.* Pence and Armstrong, *op. cit.*, 680.

²³ *Ibid.*, 604, 605. *Laws of the State of Indiana, 1816-17*, ch. 48, sec. 1 (series hereafter cited as Acts). Acts 1817-18 (special), ch. 10, sec. 1. Acts 1821-22, ch. 63. Acts 1822-23, ch. 61, sec. 1.

Samuel R. Marrs was appointed agent to receive the land given to the county as a site for the county seat and instructed as to the manner of laying off town lots. The first public sale of lots was advertised for the first Monday in March. The first orders for money out of the county treasury were drawn in favor of Thomas E. Casselberry for \$102 and Jacob Landers for \$60, in payment of money loaned to the county.²⁴

By provision of the act creating the county, a commission consisting of Robert W. Trevault, William Brisco, Joseph English, Adam Young, and Samuel Snider, all of Warrick County, was appointed to fix the seat of justice of Posey County.²⁵ On January 17, 1815 the commission reported its selection of a location in the northeast quarter of section 30, and the southeast quarter of section 19, township six south, range 12 west, about one mile north of the present site of Cabern. On January 19, the county board ordered that the new seat of justice be called Blackford.²⁶

With the extension of the county to the northward by the addition of another tier of townships, Blackford was no longer centrally located. To remedy this difficulty, the state legislature appointed a commission to relocate the seat of justice.²⁷ On May 12, 1817 the commission reported to the board that it had selected 100 acres donated by Frederick Rapp, it being a part of the southeast quarter of section 33, township five south, range 13 west.²⁸ On May 16 the board ordered "that the new seat of justice in Posey be known and designated by the name of Springfield."²⁹ Blackford disappeared from the map.

By an act of the Indiana legislature of February 12, 1825, commissioners were appointed to relocate once more the seat of justice.³⁰ On May 10 of that year the commission reported that in consideration of a donation which in its opinion would be sufficient to defray the expense of erecting good and substantial buildings for the county and being at the same time a more advantageous location for the interest of the people, they had relocated the seat of justice

²⁴ *History of Posey County, Indiana* (1886), 330-332. Leffel, *op. cit.*, 64, 65.

²⁵ Ewbank and Riker, *op. cit.*, 529 *et seq.*

²⁶ *History of Posey County, Indiana* (1886), 331, 332.

²⁷ Acts 1816-17, ch. 48, sec. 2.

²⁸ Commissioners' Record, A:8, 9.

²⁹ *Ibid.*, 28.

³⁰ Acts 1824-25, ch. 63.

in the town of Mount Vernon "on the elegant situation known and designated on the plot of said town by the name of the public square."³¹

At the first session of the county board, in January 1815, Casselberry, Lynn, and Big Creek townships were created.³² In July 1816 Casselberry Township was divided into two parts, the eastern part being given the name of Wagnon Township and the western part the name of Blackford.³³ With the change in the county boundary, a new arrangement of townships became necessary, and on March 24, 1817 five townships were created: Black, Marrs, Lynn, Robb, and Smith.³⁴ In the following year Harmony Township was created and in 1821, Robinson, Bethel, and Daniel.³⁵ In 1822 the name of Daniel Township was changed to Point.³⁶ With the creation of Center Township, in March 1859, the present arrangement of townships was created.³⁷

THE HARMONY SOCIETIES

In 1815 the Rappites, led by George Rapp, a native of Wurtemberg, Germany, came to Posey County for the purpose of continuing the "community of equality" which in 1805 they had established in Butler County, Pennsylvania. "Although it looks miserable enough, yet does the eye of hope see great and beautiful plans", Rapp had written of the 30,000 acres he had purchased for his colony at and near the present site of New Harmony the previous year.³⁸

At the close of the 10 years of its continuance in Posey County, the Harmonie Society, as Rapp called his community, had between two and three thousand acres under cultivation. The town as it existed in 1824 was described by George Flower as follows: "It consisted of several brick and frame two-story houses, for the use of small families, all built after one model, and with ample gardens, well fenced in, and neatly

³¹ Commissioners' Record, B:196, 197.

³² *History of Posey County, Indiana* (1886), 330, 331.

³³ *Ibid.*, 333.

³⁴ Commissioners' Record, A:3.

³⁵ *Ibid.*, A:100; B:26, 38.

³⁶ *Ibid.*, B:60.

³⁷ Leffel, *op. cit.*, 85.

³⁸ George B. Lockwood, *The New Harmony Movement* (New York, N. Y., 1905), 7-14. J. S.

cultivated; and a vast number of log cabins, then inhabited and neatly kept. There were five or six very large brick buildings, three stories high, which contained the community families, of 60 or 80 individuals each; Rapp's large brick mansion; a building called the granary, built of the most solid masonry; and a very large brick church, itself a curiosity, the plan, it was said, being given to Father George Rapp in a dream."³⁹

The business facilities of the community, as enumerated by Flower, consisted of a large water mill about 2 mile from town; an oil mill; the shops of the various trades, such as blacksmiths', coopers', wheelwrights', carpenters', shoe-makers', tannery, etc., two magnificent orchards, and two extensive vineyards.⁴⁰ In addition to these the society operated a steamboat, the *William Penn*, by means of which it carried on an extensive traffic on the Mississippi River and its navigable tributaries.⁴¹ The total wealth of the society in 1824 was estimated to be one million dollars and the per capita wealth, \$2,500.⁴²

In 1824 the property was sold to Robert Owen, a wealthy manufacturer, of Lanark, Scotland, for \$150,000. "I am come to this country", Owen said in the course of an address on April 27, 1825, at New Harmony, as the place was rechristened, "to introduce an entire new state of society; to change it from an ignorant selfish system to an enlightened social system which shall gradually unite all interest into one, and remove all causes of contest between individuals."⁴³

By the close of the year 1825 the population of the community numbered about 1,000.⁴⁴ On February 5, 1826 a constitution was adopted by the "Preliminary Society of New Harmony." All the members of the community were to be considered one family, to live in similar houses and be accommodated alike. Power to make laws was to be invested in an assembly consisting of all resident members above the age of 21. Executive power was invested in a council to consist

³⁹ George Flower, *History of the English Settlement in Edwards County, Illinois*, published as *Chicago Historical Society Collections*, vol. 1 (Chicago, Illinois, 1882), 279.

⁴⁰ *Ibid.*, 280.

⁴¹ Letter by E. J. Cox in the *Indianapolis News*, October 31, 1883, reprinted in the *Indiana Magazine of History*, June 1939.

⁴² *New Harmony Gazette*, October 1, 1825.

⁴³ *Ibid.*

⁴⁴ Lockwood, *op. cit.*, 101.

of the secretary, treasurer, commissary of the community, and four superintendents of departments. No person was to be admitted to membership in the community without the consent of a majority of the assembly, and no member could be dismissed from the society except by a two-thirds vote of the same body. The most perfect freedom of opinion was to be enjoyed.⁴⁵

Difficulty was experienced in making the machinery of government function. In February 1826 a resolution was adopted by the council requesting Owen's aid in the management of the society. Somewhat later the community paper reported "a want of confidence in the good intention of each other."⁴⁶ In August following, in a speech to the assembly, in reply to the question as to when the community of goods would be inaugurated, Owen said: "I shall be ready to form such community when you are prepared for it. . . . But progress must be made before all parties can be prepared for a community of common property."⁴⁷

In March 1827 an editorial prepared by William and Robert Dale Owen, and submitted to their father for approval, admitted failure of the community. It said in part:

"Our opinion is the Robert Owen ascribed too little influence to the early anti-social circumstances that had surrounded many of the quickly collected inhabitants of New Harmony before their arrival there We are too inexperienced to hazard a judgment on the prudence and management of those who directed its execution; and the only opinion we can express with confidence is of the perseverance with which Robert Owen pursued it at great loss to himself. One form of government was first adopted and when that appeared unsuitable another was tried; until it appeared that the members were too various in their feelings and too dissimilar in their habits to govern themselves harmoniously as one community New Harmony, therefore, is not a community."⁴⁸

From this time the disintegration of the society was rapid. Land was offered by Owen to those who wished to form lesser communities. Several of these were formed but all eventually failed as social experiments. Finally the land was

⁴⁵ *New Harmony Gazette*, February 15, 1826.

⁴⁶ *Ibid.*, February 22, March 8, 1826.

⁴⁷ *Ibid.*, August 30, 1826.

⁴⁸ *Ibid.*, March 28, 1827. Robert Dale Owen, *Thrashing My Way* (New York, N. Y., 1874).

sold to individuals, Owen losing heavily in the transactions.⁴⁹

New Harmony had failed in its original purpose but it marked the birth of several distinct movements that not only made a deep impress on the immediate community but greatly influenced the state and the nation and the world at large. There the doctrine of universal elementary education at public expense was first proclaimed in the Middle West. Later, due in no small measure to the efforts of Robert Dale Owen, it was enacted into law in the state, and is now a feature of every state in the Union.⁵⁰

In the school at New Harmony, William Maclure, Robert Owen, and Joseph Neef introduced the system of education advocated by Pestalozzi, now everywhere dominant in America. It is said that kindergarten and infants' schools were also first introduced to America at New Harmony. The trade school there was the second of its kind in America.⁵¹ An organization of women for study and discussion, founded there by Francis Wright, was the forerunner of women's clubs in America. It was also due to Miss Wright that New Harmony became a center of anti-slavery agitation. Later, she did pioneer work in the women's rights movement in America.⁵²

Through such eminent scientists as William Maclure, "the father of American Geology", Thomas Say, "the father of American Zoology", Constantine Rafinesque, the pioneer ichthyologist of the West, Charles Albert Lesueur, the first classifier of the fishes of the Great Lakes, George Troost, one of the earliest of the American mineralogists, and the younger Owens, New Harmony became an important scientific center.⁵³ From there David Dale Owen, as United States Geologist, conducted a geological survey of the northwest.⁵⁴ Among the numerous distinctions of Robert Dale Owen, another son of Robert Owen, was that of being the legislative father of the Smithsonian Institution.⁵⁵ Following the death of William Maclure in 1840, 160 libraries or "Working Men's Institutes", as they were called, were established in Indiana

⁴⁹ Robert Dale Owen, *op. cit.*, 288-290.

⁵⁰ Lockwood, *op. cit.*, 264-267.

⁵¹ *Ibid.*, 286-287. Cf. *Pioneers of the Kindergarten in America* (New York, N. Y., 1924).

⁵² Lockwood, *op. cit.*, 196, 197.

⁵³ *Ibid.*, 73-81.

⁵⁴ *Ibid.*, 316.

⁵⁵ *Ibid.*, 338-340.

and Illinois with the aid of funds provided by his will.⁵⁶ The one at New Harmony, the only one remaining, contains 28,066 volumes.

"Robert Owen, in whose fertile mind the project was conceived and with the aid of whose funds it was conducted, continued to work for social regeneration until his death in 1858."⁵⁷

By an act of the Indiana legislature of March 9, 1939, a New Harmony Memorial Commission was created and empowered to choose a director whose duty it should be to "initiate by and with the approval and support of the Commission such plans and projects as shall memorialize substantially the outstanding ideals and customs promulgated by the Rappites and Owenites in New Harmony in such manner as shall reflect those most faithfully and being the fullest possible measure of inspiration and benefit from the same modern generations."⁵⁸

EARLY COUNTY FINANCE

Government in Posey County was at first of an elementary nature and the cost therefore low. Public buildings were small and simple in design and the cost of construction likewise low. The cost of their construction was met for the greater part perhaps from the proceeds of the sale of lots. Other expenses were met through taxation. For the year 1822 taxes were levied by the board of commissioners as follows: "each hundred acres of first rate land, \$1.00; each hundred acres of second rate land, \$0.662/3; each hundred acres of third rate land, \$0.50; each horse, mare, mule, or ass over three years old, \$0.37½; each work steer, \$0.25; each silver watch, \$0.25; each gold watch, \$0.50; each four wheel pleasure carriage, \$1.50; each two wheel pleasure carriage, \$1.00; town lots per \$100 valuation, \$0.50; each tavern \$10.00; each ferry, \$5.00; each bond servant \$2.00."⁵⁹

Licenses were required to operate certain businesses, notably taverns, groceries, places of entertainment, and ferries. This not only afforded a revenue for the county but enabled the businesses so licensed to be subjected to a certain amount of regulation. In January 1818 the board ordered that

⁵⁶ *Ibid.*, 322-325.

⁵⁷ *Ibid.*, 307-313.

⁵⁸ Acts 1939, ch. 135.

⁵⁹ Commissioners' Record, B:70.

Thomas Givens be granted a license to operate a house of public entertainment in the town of Mount Vernon for one year. For this privilege Givens was required to pay a tax of \$10 and an additional fee of 50 cents.⁶⁰

In September 1824 John Shanklin and Adam Moffet paid \$10 to vend foreign merchandise, as all goods not produced in the community were called, on a capital stock not to exceed \$1,000.⁶¹ At the same term of the board J. Rapp paid \$15 for a license to vend foreign merchandise on a capital stock not to exceed \$2,000.⁶² In January 1837 John Connor presented a petition signed by 24 freeholders praying that he be granted a license to operate a grocery in Mount Vernon. For this privilege Connor paid \$15 into the county treasury and gave bond as required by law.⁶³ In January 1818 tavern rates were regulated as follows by the board: "lodging, 12½ cents; meals, 25 cents; keeping a horse 12 hours, 25 cents; horse feed, 12½ cents; whiskey per half pint, 12½ cents; peach or apple brandy per half pint, 25 cents; rum per half pint, 50 cents; wine per half pint, 50 cents; cognac per half pint, 50 cents; cider per half quart, 12½ cents."⁶⁴

In August 1817 Dan Lynn was granted a license to operate a ferry on the Ohio.⁶⁵ At that time Jonathan Anthony, Aaron Williams, and Archibald Farr were operating ferries on the Ohio, and the Harmony Society one on the Wabash.⁶⁶ In 1835 ferries operated by William M. Maclure, George Webb, Aaron Williams, Edward Murphy, and David Sears on the Wabash, and by John B. Weirs and Pina L. Thomson on the Ohio, paid \$62.00 into the county treasury.⁶⁷ In November 1817 ferry rates were fixed by the board as follows: "man and horse \$0.37½; wagon and team, \$2.00; footman \$0.25; each head of meat cattle, hogs and sheep, \$0.12½."⁶⁸

TRANSPORTATION

The Indians who had their villages in Posey County before

⁶⁰ *Ibid.*, A:43, 44.

⁶¹ *Ibid.*, B:169.

⁶² *Ibid.*, B:170.

⁶³ *Ibid.*, D:204.

⁶⁴ *Ibid.*, A:44.

⁶⁵ *Ibid.*, 37.

⁶⁶ *Ibid.*, 30.

⁶⁷ *Ibid.*, D:35.

⁶⁸ *Ibid.*, A:69.

the coming of the white man made the greatest possible use of its streams upon which they transported cargoes in light canoes. For overland travel, trails or traces were used. A trail which began at the salt wells near the Shawnee villages in Southeastern Illinois crossed the Wabash near its mouth and led from thence to Vincennes, seems to have been used extensively. Most of it has been obliterated by cultivation but as late as 1886 traces of it could be seen distinctly.⁶⁹

The white man's mode of life made necessary a more highly developed system of roads than that required by the Indians. Of the time and labor required to build them the Commissioners' Record bears eloquent testimony. To facilitate their building the act of Congress that enabled the people of Indiana to form a constitution and state government set aside for roads five percent of the proceeds of the sale of public lands within the state. Three-fifths of this sum was to be given to the state to be applied to the building of roads, bridges, and canals within the state, and two-fifths was to be reserved by the United States to be applied on roads and canals leading to the state.⁷⁰ An act of the Indiana legislature of January 1, 1817 made every male person 18 years of age and under 50 who had resided 30 days within any township of the state liable to work on the roads in that township not to exceed six days in any one year.⁷¹

The earliest roads of the county were mere bridle paths, or at most wagon ways from which the timber had been removed. One of the earliest roads of this kind in Posey County was opened by a contingent of Rappites, en route from Mount Vernon to their future home on the Wabash.⁷² Such roads were lacking in the two essential qualities of a good road—hardness and smoothness. The first of these qualities was obtained by placing poles across the road and filling the intervening spaces with dirt. Roads so constructed were known as corduroy roads and, as the name indicates, they were rough. Plank roads remedied this defect but they were expensive and not very durable. In 1851 a plank road was built from New Harmony to Mount Vernon by a stock company of which John Pitcher was president and Robert Dale Owen, secretary and treasurer. Its

⁶⁹ *History of Posey County, Indiana* (1886), 281, 282.

⁷⁰ *Annals of Congress*, 14th Congress, 1st Session, 1841.

⁷¹ Acts 1816-17, ch. 8, sec. 10.

⁷² Letter by E. J. Cox in the *Indianapolis News*, October 31, 1883, reprinted in the *Indiana Magazine of History*, June 1939.

completion was celebrated by an elaborate public dinner at Mount Vernon and by a grand ball at New Harmony. The income in the way of tolls was not sufficient to defray the cost of the upkeep, however, and after a few years it was abandoned.⁷³ The county was handicapped in the building of gravel roads inasmuch as the only places in the county where gravel can be procured are at New Harmony and Mount Vernon.⁷⁴ Of the 500 miles of public road in the county in 1904, 31 were surfaced with gravel and 63 with stone, the remainder being dirt roads.⁷⁵

Located as the county is at the junction of the Wabash with the Ohio, river transportation played a very large part in its early history. The most important boats on the western rivers before the coming of the steamboats were flatboats, so called from their flat bottoms. They were usually about 50 feet long with the width considerably less than one-half their length. They were made of green oak planks fastened to a frame of timber with wooden pins and caulked with tar or some other pliant and water-resisting substance.⁷⁶ Built during the summer months, they were launched into the streams when the freshets came and, loaded with the produce of the farms, floated to New Orleans or some other southern market. Here the boat was disposed of and the return journey made on foot or in some other way.⁷⁷

The first steamboat to appear on the Ohio was the *New Orleans* (1811).⁷⁸ By April 1819, 40 steamboats had been built to operate on western rivers and 28 more were in process of construction.⁷⁹ By 1842 the steamboat tonnage of the Mississippi River and its tributaries exceeded that of Great Britain by 40,000 tons.⁸⁰ The chief articles shipped from Posey

⁷³ *History of Posey County, Indiana* (1886), 373. Leffel, *op. cit.*, 93, 94.

⁷⁴ Indiana State Planning Board, *Preliminary Survey of County Planning Problems in Indiana Counties* (Indianapolis, Indiana, typewritten, 1935-36; in the Indiana State Library), Posey County section.

⁷⁵ "Public Roads of Indiana: Mileage and Expenditure in 1904", *U. S. Department of Agriculture, Office of Public Roads, Circular No. 66* (Washington, D. C., 1905), 4.

⁷⁶ Jacob Burnet, *Notes on the Early Settlement of the Northwest Territory* (Cincinnati, Ohio, 1847), 49.

⁷⁷ Rolla M. Hogue, "Life in Indiana, 1800-1820", *Indiana Magazine of History*, June 1913

⁷⁸ *Ibid.*

⁷⁹ *Niles' Weekly Register* (Baltimore, Maryland), April 17, 1819.

⁸⁰ Lee Burns, "The Ohio River, Its Influence on the Development of Indiana", *Indiana Magazine of History*, June 1923.

County were pork and corn. As early as 1820 these commodities were bought in the county for shipment to Tennessee, Mississippi, and Louisiana.⁸¹ With the coming of the railroad the products of the upper Mississippi Valley were diverted more and more to New York and the eastern ports for shipment abroad and the river traffic correspondingly declined.

The history of railroads in Posey County dates from 1869. In that year a petition signed by 100 freeholders was filed with the county board asking that an election be held to determine whether the county should appropriate \$100,000 for the construction of the Mount Vernon and Grayville Railroad. The election took place on July 27 of that year and resulted in 1,686 votes in favor of the proposition and 922 opposed. The board levied a tax of 80 cents on each \$100 worth of property valuation and with the completion of five miles of the track \$20,000 was paid over. The road soon went into the hands of a receiver and further payment by the county was stopped.⁸²

The first railroad completed in the county was the Louisville and Nashville running east and west through the county, passing through Mount Vernon. This was in 1869. In 1880 Robb Township voted \$13,199 to aid the Peoria, Decatur and Evansville Railroad (now a part of the Illinois Central) to extend its line through the township. The following year, Smith, Center, and Black townships voted a total of \$63,762.10 to assist in the extension of the Evansville and Terre Haute Railroad (now the Chicago and Eastern Illinois) from Owensville to Mount Vernon.⁸³ About 1912 the fourth railroad of the county, a branch of the New York Central, running from Evansville to Mount Carmel, Illinois, and cutting across the extreme northeast corner of Posey County, was built.⁸⁴ These four railroads serve the county today. In 1905 a company was organized with a capital of \$300,000 to build an electric railroad between Mount Vernon and Evansville. The road was formally opened on June 19, 1906.⁸⁵ The road is no longer in operation, bus service having supplanted interurban service between the two cities.

⁸¹ Leffel, *op. cit.*, 89.

⁸² *Ibid.*, 188.

⁸³ *Ibid.*, 187.

⁸⁴ G. R. Stormont, *History of Gibson County, Indiana* (Indianapolis, Indiana, 1914), 105.

⁸⁵ Glenn A. Blackburn, "Interurban Railroads in Indiana", *Indiana Magazine of History*,

SOCIAL WELFARE

An early act of the Indiana legislature provided for the maintenance of the public charges of the various counties in private homes at public expense. For each township two overseers of the poor were provided, whose duty it was to farm out to the lowest bidder those dependent upon public charity.⁸⁶ Throughout the early years of the Commissioners' Record are found numerous items illustrative of the administration of the law, of which the following are typical: "Ordered that Charles Givens be allowed the sum of \$24.50 for keeping David Shelby, one of the poor, four weeks and a half and that the County treasury pay the same."⁸⁷ "Ordered that John Dickinson be allowed the sum of \$93.87 for keeping Abraham Jones, one of the poor in Point Township."⁸⁸ "Ordered that Abraham Richardson be allowed the sum of \$31.50 for feeding and clothing one John Miller, a pauper, from January to May, 1832."⁸⁹

In May 1835 Gillison Price, John Gwaltney, Samuel Philips, Miles McDaniels, and James Sampson were appointed a committee to inquire into the expediency of erecting a poor house in the county.⁹⁰ The matter seems not to have been acted upon at that time. By 1845, however, some kind of an arrangement had been made for maintaining a home for the poor of the county for in that year John DeVaughn Lane entered into a contract with the board of commissioners to keep the public charges for one year. Lane agreed to furnish good and wholesome food, comfortable clothing, medicine in cases of sickness and transportation to the home for those consigned to it. For this service Lane was to receive \$495.⁹¹

In 1846 James H. Thomas entered into a similar contract for the sum of \$450.⁹² One year later the contract was given to James Robb for \$399.50.⁹³ In 1848 the contract was renewed for \$230.⁹⁴

⁸⁶ Acts 1817-18 (general), ch. 14.

⁸⁷ Commissioners' Record, B : 17.

⁸⁸ *Ibid.*, 150.

⁸⁹ *Ibid.*, C: 161.

⁹⁰ *Ibid.*, D: 32.

⁹¹ *Ibid.*, I: 51.

⁹² *Ibid.*, 202, 203.

⁹³ *Ibid.*, K: 19-21.

⁹⁴ *Ibid.*, 132, 133.

In September 1857 the board of commissioners purchased of Ashbury Ferguson 120 acres of land located two miles west of Poseyville as the site for the county farm. On this farm a large two-story frame house was erected.⁹⁵ With little change save for improved facilities and mounting costs, those depending on charity from the county continued to be cared for in this way until recent years when a system of work relief and social welfare payments was inaugurated by the federal, state, and county governments.⁹⁶

EDUCATION

The first schools in Posey County were subscription schools, the teacher being paid by the parents of the pupils according to the number enrolled. School buildings were rude structures built of logs. These were heated with huge fireplaces and lighted through openings in the wall covered with greased paper. Seats and desks were split logs into which holes were bored on the round side and wooden pegs inserted for legs. The curriculum consisted of reading, writing and arithmetic—the so-called three R's. The adage "no lickin', no larnin'" found wide acceptance and was quite freely applied. The term of the school was short, usually three months. The first schoolhouse in the county was built in the year 1814 on the southeast corner of the public square in Mount Vernon. Another was built about 1816 on the farm of James Black.⁹⁷

The Indiana Constitution of 1816 provided that "the money which shall be paid, as an equivalent, by persons exempt from militia duty, except in time of war, shall be exclusively in equal proportions, applied to the support of county seminaries; also all fines assessed for any breach of the penal laws shall be applied to said seminaries in the counties wherein they shall be assessed."⁹⁸

In January 1839 George S. Green, Clement Whiting, and Thomas Brown were appointed seminary trustees in Posey County.⁹⁹ In March 1841 the seminary fund amounted to

⁹⁵ *Ibid.*, M:106. *History of Posey County, Indiana* (1886), 289.

⁹⁶ See the essay entitled "County Department of Public Welfare."

⁹⁷ Leffel, *op. cit.*, 122, 123,

⁹⁸ "Constitution of the State of Indiana, 1816" (hereafter cited as Const. 1816), art. 9, sec. 1, in *The Revised Statutes of the State of Indiana, 1843* (Indianapolis, Indiana, 1843), 38-64 (volume hereafter cited as Rev. Stat. 1843).

⁹⁹ Commissioners' Record, E:94.

\$1,564.78.¹⁰⁰ This sum was sufficient, it was thought to warrant the construction of the building, the same to be built at Mount Vernon. Work was begun in the spring of that year and continued throughout the summer.¹⁰¹ In March of the following year Green reported that "the school is undertaken by a competent teacher at the Request and upon the Employment of Six Individuals, citizens of Mount Vernon, and is well managed and will no doubt become a desirable institution for the education of the youths of the county."¹⁰²

In 1843 the school was taught by William Knapp. He reported that several pupils were engaged in the study of the higher branches of "higher mathematics", six were studying Latin and one Greek.¹⁰³ The report of 1845 states that Thomas Collins and wife had taught the school of that year, and that they had a good school of fifty "scholars."¹⁰⁴ In September 1850 the seminary was out of debt and there was \$373.81 in cash on hand.¹⁰⁵ A law of June 12, 1852 ordered the sale of all county seminary property in Indiana.

Despite the fact that much good was accomplished by the subscription schools and the county seminary there was a growing recognition that they did not meet the educational needs of the state and there was a demand for thoroughgoing changes. The Indiana Constitution of 1851 made it mandatory that the legislature "provide by law, for a general and uniform system of Common Schools, wherein tuition shall be without charge and equally open to all."¹⁰⁶

Through laws enacted under this constitutional provision the schools in Posey County as well as elsewhere in Indiana have greatly improved and, until the consolidation movement began, increased in number. A certain amount of uniformity had been adopted, the school term lengthened, compulsory attendance provided and enforced, and teaching methods greatly improved. In 1912 there were 47 one-room schools in the

¹⁰⁰ *Ibid.*, F:145.

¹⁰¹ *Ibid.*, 145-147.

¹⁰² *Ibid.*, 305, 306.

¹⁰³ *Ibid.*, H:108.

¹⁰⁴ *Ibid.*, I:120.

¹⁰⁵ *Ibid.*, L:11.

¹⁰⁶ "Constitution of the State of Indiana, 1851" (hereafter cited as Const. 1851), art. 8, sec. 1, in Harrison Burns, editor, *Annotated Indiana Statutes, Containing All Acts of a General and Public Nature in Force September 1, 1933* (Indianapolis, Indiana, 1933--), vol. 1, pp. 1-122 (series hereafter cited as Burns).

county and 21 consolidated schools employing two or more teachers. In all there were 162 teachers employed and 4,358 pupils enrolled. Of this last number 475 were enrolled in high schools and the remainder in the grade schools. The Mount Vernon, New Harmony, Poseyville, and Cynthiana high schools were commissioned and the Wadesville and Stewartsville high schools were certified.¹⁰⁷

AGRICULTURE

Posey County was originally covered with a dense growth of timber, which had to be removed at great expense in time and labor before the naturally fertile soil could be utilized for the varied and extensive agriculture of which it forms the basis today.

The most extensive soil of the county is Miami Silt Loam, an upland soil of a light gray or reddish-yellow color adapted to the production of wheat, corn, clover, timothy, fruit, and garden vegetables. About 60 percent of the county is covered with this soil. Next in extent is Yazoo Clay, the principal soil of the bottom land, a very fertile soil but subject to overflow. Waverly Silt Loam, locally known as "black bottom", produces fine yields of corn and wheat. Large areas are found in the vicinity of Mount Vernon and Poseyville. Miami sand of the northern and western part of the county is adapted to the raising of melons. Guthrie Clay, Memphis Silt Loam, Yazoo Sandy Loam, and Griffin Clay constitute the other soils of the county.¹⁰⁸

With a view to improving the agriculture of the county the Posey County Fair Association was organized in 1858, with M. J. Cornahan, president; John Cooper, vice-president; J. C. Miller, secretary; and Samuel Arthur, treasurer. The first fair was held October 25, 26, and 27, 1859. The fair of the following year was attended by about 5,000 people and produced a profit of \$1,500. In 1912 the Association owned grounds at New Harmony containing 24 acres, upon which the county fair was held.¹⁰⁹

In 1911 a survey of the soil of the county was made by Herbert W. Marean, of the United States Bureau of Soils. Marean found the county a prosperous agricultural community

¹⁰⁷ Leffel, *op. cit.*, 128.

¹⁰⁸ Marean, *op. cit.*, 387-405.

¹⁰⁹ Leffel, *op. cit.*, 136.

and progressive methods being used by the farmers, as was evidenced by the appearance of the homes, farms, and farm equipment. The staple crops of the county were corn, wheat, and hay. Very superior melons were grown on the sandy soil, which were sold in markets as distant as New Orleans, Cleveland, Pittsburgh, and Buffalo. Apples, peaches, pears, plums, and grapes were grown but mainly for the home market. Although the surveyor believed the soil as well adapted to tobacco culture as that across the river in Kentucky, little of this crop was produced in the county. At the time of the survey, no commercial fertilizer was being used in the county.¹¹⁰

INDUSTRY

Industry in the early days of Posey County was simple. In purpose it was closely related to agriculture and usually those who carried it on were also engaged in agricultural pursuits.

Among the first industries to appear were mills of various kinds, tanneries, blacksmith shops, and distilleries. In 1810 James Black completed a horse mill begun by William Weir in 1807.¹¹¹ Sometime later he constructed a water mill on Big Creek.¹¹² About the same time James Rankin erected a sawmill on Black River.¹¹³ In 1831 Darius North, Virgil Soaper, and Andrew McFadden built at Mount Vernon the first steam mill of the county. Soon after that John Weir built a water mill within the limits of Mount Vernon, but sometime later removed it outside the city and changed it to a steam mill.¹¹⁴ Distilleries were afterwards often operated in connection with mills and were usually popular places of resort. The first tannery in Posey County was built by Adam Albright in 1810, five miles northwest of Mount Vernon.¹¹⁵

With the coming of improved means of transportation Posey County shared in the specialization of industry that developed throughout the country. In 1873 John C. and Winfield Woody established a small foundry in Mount Vernon. Under different ownership and management the firm began, in

¹¹⁰ Marean, *op. cit.*, 465-467.

¹¹¹ Leffel, *op. cit.*, 46.

¹¹² *Ibid.*, 76.

¹¹³ *History of Posey County, Indiana* (1886), 289.

¹¹⁴ Leffel, *op. cit.*, 76.

¹¹⁵ *Ibid.*

1884, the manufacture of engines, threshers, and sawmills, and somewhat later, coal mining machinery. In 1877 a hominy mill was established at Mount Vernon by Cooper, Hudnut, and Warder and later incorporated as the Hudnut Company. In 1901 it was merged with the American Hominy Mill, established at Mount Vernon in that year.

The Home Mill and Grain Company was established at Mount Vernon in 1900, followed by the Sunlight Milling Company and the Ford Milling Company. William Frier established a cigar factory at Mount Vernon in 1897 and the Whitmore Handle Company located a handle factory there in 1912. Other articles manufactured in the county before 1912 were brick, tile, barrels, ice, and beverages.¹¹⁶

EARLY JOURNALISM

The first newspaper in the county was the *New Harmony Gazette*, established under the editorship of William and Robert Dale Owen in October 1825. It continued to be published as the official organ of the New Harmony Society until October 1828, when it was merged with the *Nashoba Gazette*, Frances Wright's paper, and for a few weeks was published at New Harmony as the *Free Enquirer*. Later it was removed to New York and continued under that name. The *Disseminator*, a paper founded by William Maclure, was published at New Harmony from 1828 until 1840.

The first newspaper published at Mount Vernon was the *Courier*, established by Thomas F. Prosser in 1838. It was discontinued in 1841 and from that time the town was without a newspaper until 1843, when Prosser established the *South Western Advocate*, which he continued to publish until 1862. In that year his son, Charles L. Prosser, began the publication of the *Union*, a Republican paper which was continued until 1869.

The *Empire*, also a Republican paper, was established by Rev. Thomas Abbott, a Universalist minister, in January 1860. A short time later the paper was sold but in 1871 Abbott again entered the field of journalism by founding the *New Republic*, a name later changed to *Republican*.

The *Democrat* was established at Mount Vernon in 1861 and under various ownerships continued until 1864. Another paper with the same name was established by Thomas Collins at Mount Vernon in 1867.

¹¹⁶ *Ibid.*, 189-194.

The *Indiana Statesman* was begun at Evansville by Alexander Burns, in 1842 but later in the same year was moved to New Harmony where its publication was continued until 1845. The *Register*, also a New Harmony paper, was established by James Bennett in 1858.¹¹⁷

POSEY COUNTY TODAY

In 1930 Posey County had a population of 17,853; of this number 9,073 were males and 8,780 were females. Of the 17,857 white people of the county, 17,206 were native white and 151 were foreign born. Of the native whites 15,438 were of native parentage, and 1,768 were of foreign born or mixed parentage. There were 496 negroes. The urban population numbered 5,035 and the rural population 12,818.¹¹⁸

On January 1, 1935 there were 1,795 farms in the county with an average size of 131.1 acres. Of these, 626 were operated by full owners, 425 by part owners, 14 by managers, and 730 by tenants. The total value of the farm land of the county, including buildings, was \$9,306,178, the average value per farm \$5,185, and the average value per acre \$39.55.¹¹⁹

During the 10 year period from 1927 to 1936 inclusive the average acreage planted in corn was 60,700 and the average acreage seeded to wheat was 49,900.¹²⁰ The average yield of corn and wheat per acre for the same period was 29.7 and 12.3 bushels respectively as compared with average yields of the state of 32.2 and 15.6 bushels, respectively.¹²¹

There were 238 retail stores in the county in 1929. Of these, 202 were independent, 10 were chain stores and 26 were listed as of other varieties. The net sales of the independent stores amounted to \$2,706,000, that of the chain stores to \$802,000, and that of the other varieties to \$583,000, a total of \$3,591,000.¹²² In the same year there were 26

¹¹⁷ *Ibid.*, 199-202.

¹¹⁸ *Fifteenth Census of the United States: 1930, Population* (Washington, D. C., 1931), 3 : pt. 1:707.

¹¹⁹ *United States Census of Agriculture: 1935* (Washington, D. C., 1937), 1:127.

¹²⁰ "Indiana Crops and Livestock", *Bulletin No. 159* (West Lafayette, Indiana, published by the U. S. Department of Agriculture co-operating with the Purdue University Agricultural Experimental Station, 1938), 7.

¹²¹ *Ibid.*, 9.

¹²² *Fifteenth Census of the United States: 1930, Retail Distribution*, 1: pt. 2:710.

wholesale establishments in the county, with total net sales of \$661,516.¹²³

In 1936 there were 17 manufacturing establishments in the county, most of which were located in Mount Vernon. They had on their payrolls about 1,000 employees. Among the products manufactured were threshing machines, flour, overalls, trousers, iron garden furniture, oil burners, castings, handles, baseball bats, cheese, bakery products, beverages, and ice cream. Seven oil wells in the neighborhood of Blairsville produced about 275 barrels of oil per day.¹²⁴ Recent strikes of oil in the county and the construction of a refinery at Mount Vernon promise to have a considerable effect on the county.

In addition to the five state highways of the county there are 824 miles of county road of which 499 miles are improved. Trucks operating over these roads carry the greater part of the county's freight.¹²⁵

The schools of the county consist of one city school system (Mount Vernon), six consolidated township schools, 13 two-room schools, and seven one-room schools. There are 2,434 pupils enrolled in the grade schools, and 858 in the high schools, a total enrollment of 3,292. A total of 137 teachers are employed.¹²⁶

The recreation facilities of the county are confined for the greater part to Mount Vernon, where there is a well equipped city park and the county-owned Coliseum (provided with gymnasium, auditorium, swimming pool, and historical museum). The town of Cynthiana has parks but no equipment.¹²⁷

The public library facilities of the county consist of the Working Men's Institute at New Harmony and Carnegie libraries at Mount Vernon and Poseyville.¹²⁸ There are no hospitals in the county.¹²⁹

Posey County experienced what was perhaps the greatest disaster of its history in the late winter of 1936-37. Due to rainfall in the Ohio Valley which during the last two weeks of January 1937 totaled more than 12 inches, the Ohio

¹²³ *Ibid.*, *Wholesale Distribution*, 2:20.

¹²⁴ Indiana State Planning Board, *op. cit.*

¹²⁵ *Ibid.*

¹²⁶ *Indiana School Directory, 1938-1939* (Indianapolis, Indiana, 1938), 258-260.

¹²⁷ Indiana State Planning Board, *op. cit.*

¹²⁸ *Ibid.*

¹²⁹ *Ibid.*

River reached on January 31 the unprecedented height of 53.74 feet as measured by the government gauge at Evansville.¹⁸⁰ The bottom lands of both the Ohio and the Wabash were inundated to an extent never before known. Ninety percent of Point Township, where conditions were the worst, was covered with water. About 500 families of the county were forced to evacuate their homes, 125 homes were completely destroyed, 350 more damaged extensively.¹⁸¹ The total loss of property of the county was estimated at \$500,000.¹⁸² Heroic rescue work prevented any loss of life attributable directly to the flood.

2. GOVERNMENTAL ORGANIZATION AND RECORDS SYSTEM

LEGAL STATUS OF THE COUNTY

The county in Indiana is an involuntary corporation, sometimes called a quasi-corporation, organized as a political subdivision of the state, solely for governmental purposes. It is an instrumentality of government, exercising the powers delegated by the state and acting for the state. County officers are agents of the state. The authority of the county and its officers and agents is limited to that expressly or impliedly conferred on them by the Indiana General Assembly. Except as limited by the state constitution, the general assembly has full power to create, modify, and abolish counties, and to prescribe their powers, governmental organization, and liabilities.¹

¹⁸⁰ *New Harmony Times*, February 5, 1937.

¹⁸¹ *Ibid.*, February 19, 1937.

¹⁸² *Ibid.*, February 12, 1937.

¹ *Gavin v. Board of County Comrs.* (1885), *Reports of Cases Argued and Determined in the Supreme Court of Judicature of the State of Indiana* (Indianapolis, 1852—), 104:201 (series hereafter cited as *Ind.*), *North Eastern Reporter: Cases Argued and Determined in the Courts of Indiana, Illinois, Ohio, New York, Massachusetts* (St. Paul, Minn., 1885—), 3:846 (series hereafter cited as *N. E.*); *State ex rel. Workman v. Goldthait* (1909), 172. *Ind.* 210, 87 *N. E.* 133; *Applegate v. Pettijohn* (1933), 205 *Ind.* 122, 125, 185 *N. E.* 911; *McDermott v. Board of County Comrs.* (1915), *Reports of Cases Argued and Determined in the Appellate Court of the State of Indiana* (Indianapolis, 1891—), 60:209 (series hereafter cited as *Ind. App.*), 110 *N. E.* 237; *Buck v. Indiana Constr. Co.* (1923), 79 *Ind. App.* 329, 138 *N. E.* 356.

Before the adoption of the Indiana Constitution of 1851, the state legislature had full power to enact local laws concerning county matters, and many such laws were enacted; but since 1851 there have been constitutional provisions prohibiting the enactment of local laws concerning several specified subjects affecting county organization and functions.² The general assembly often passes laws applicable to counties and cities having a specified population and to counties containing cities of a specified population. Such laws are sometimes upheld³ and sometimes held void by the Indiana courts as being in conflict with these constitutional provisions.⁴ Several laws authorize the appointment of county officials but do not require such appointment.

There are 92 counties in the State of Indiana. Knox County, the oldest of all Indiana counties, was created by proclamation of the Governor of the Northwest Territory on June 20, 1790.⁵ Clark⁶ County and Dearborn⁷ County were created on February 3, 1801 and March 7, 1803, respectively, by proclamation of the Governor of Indiana Territory. The counties of Franklin,⁸ Gibson,⁹ Harrison,¹⁰ Jackson,¹¹

² Const. 1851, art. 4, secs. 22, 23.

³ State *ex rel.* Hargrave v. Reitz (1878), 62 Ind. 159; Campbell v. Indianapolis (1900), 155 Ind. 186, 57 N. E. 920; Bullock v. Robison (1911), 176 Ind. 198, 93 N. E. 998; Wayne Twp. v. Brown (1933), 205 Ind. 437, 186 N. E. 841; Meara v. Brindley (1935), 207 Ind. 657, 194 N. E. 351; Groves v. Board of County Comrs. (1936), 209 Ind. 371, 199 N. E. 137; Crowe v. Board of County Comrs. (1936), 210 Ind. 404, 3 N. E. (2d) 76; Board of County Comrs. v. Crowe (1938), 214 Ind. 446, 14 N. E. (2d) 907.

⁴ Campbell v. Indianapolis (1900), 155 Ind. 186, 57 N. E. 920; Rushville v. Hayes (1904), 162 Ind. 193, 70 N. E. 134; Bumb v. Evansville (1907), 168 Ind. 272, 80 N. E. 625; Kraus v. Lehman (1908), 170 Ind. 408, 83 N. E. 714; Bullock v. Robinson (1911), 176 Ind. 198, 93 N. E. 998; Boberg v. Harlem (1924), 194 Ind. 310, 142 N. E. 705; Heffelfinger v. Ft. Wayne (1925), 196 Ind. 689, 149 N. E. 555; Heckler v. Conter (1933), 206 Ind. 376, 187 N. E. 878; Crowe v. Board of County Comrs. (1936), 210 Ind. 404, 3 N. E. (2d) 76.

⁵ William Henry Smith, editor, *The St. Clair Papers* (Cincinnati, 1882), 2:166 note
George Pence and Nellie C. Armstrong, *Indiana Boundaries: Territory, State and County* (1933). 21, 514.

⁶ Pence and Armstrong, *op. cit.*, 256.

⁷ *Ibid.*, 310.

⁸ Acts 1810, ch. 6.

⁹ Acts 1813, ch. 23.

¹⁰ Acts 1808, ch. 1.

¹¹ Acts 1815, ch. 1.

Jefferson,¹² Orange,¹³ Perry,¹⁴ Posey,¹⁵ Switzerland,¹⁶ Warrick,¹⁷ Washington,¹⁸ and Wayne¹⁹ were created by special acts of the General Assembly of Indiana Territory. These 15 counties are all mentioned in the Constitution of 1816.²⁰ The remaining 77 counties were created by special acts of the General Assembly of the State of Indiana.

The Constitution of 1816 provided: "The General Assembly, when they lay off any new county, shall not reduce the old county or counties, from which the same shall be taken to a less content than four hundred square miles."²¹ The Constitution of 1816 further provided that the legislature, at the time they lay off a new county, should provide certain funds for a public library.²² The Constitution of 1851 provides: "No county shall be reduced to an area less than four hundred square miles; nor shall any county, under that area, be further reduced."²³ The Constitution of 1851 further provides: "The Senate shall not exceed fifty, nor the House of Representatives one hundred members; and they shall be chosen by the electors of the respective counties or districts, into which the State may, from time to time, be divided."²⁴ The Constitution of 1851 provides that a new county may be created out of the counties of Perry and Spencer if approved by election of the voters in those counties in such manner as may be prescribed by law;²⁵ but no such new county has been created. These are all of the constitutional provisions concerning the creation of counties in Indiana.

The legislature passed a general law in 1861 providing for the creation of new counties by election in the affected

¹² Acts 1810, ch. 2.

¹³ Acts 1815, ch. 12.

¹⁴ Acts 1814, ch. 7.

¹⁵ *Ibid.*

¹⁶ *Ibid.*, ch. 9.

¹⁷ Acts 1813, ch. 23.

¹⁸ Acts 1813-14, ch. 10.

¹⁹ Acts 1810, ch. 1.

²⁰ Const. 1816, art. 12, sec. 9.

²¹ *Ibid.*, art. 11, sec. 12.

²² *Ibid.*, art. 9, sec. 5.

²³ Const. 1851, art. 15, sec. 7.

²⁴ *Ibid.*, art. 4, sec. 2.

²⁵ *Ibid.*, schedule, par. 15.

old counties after petition has been presented to the boards of commissioners in the several counties which would be affected by the proposal.²⁶ No new counties have been created since the enactment of this law.

STRUCTURAL DEVELOPMENT OF COUNTY GOVERNMENT

From the organization of Posey County in 1814,²⁷ the following officers, boards, and courts (arranged alphabetically in three groups) have existed or been legally available in the county:

OFFICERS

Appraiser (1841 to 1872)²⁸
 Auditor (1841 to date)²⁹
 Clerk of the circuit court (1814 to date)³⁰
 Coroner (1814 to date)³¹
 County agent (1818 to 1852)³²
 County agricultural agent (permissive 1913 to 1937, mandatory since 1937)³³
 County assessor (1814 to 1852, 1872 to 1875, 1891 to date)³⁴
 County director of public welfare (1936 to date)³⁵
 County health commissioner (1909 to 1938)³⁶
 County health officer (1881 to 1909, 1938 to date)³⁷
 County highway superintendent (1913 to 1933)³⁸

²⁶ Acts 1861; Burns 26-301 to 26-310; William E. Baldwin, editor, *Baldwin's Indiana Statutes Annotated 1934* (Cleveland, Ohio, 1934—), 5044 to 5053 (series hereafter cited as Baldwin).

²⁷ Acts 1814, ch. 7, sec. 1.

²⁸ See the essay entitled "County Assessor."

²⁹ See the essay entitled "Auditor."

³⁰ See the essay entitled "Clerk of the Circuit Court."

³¹ See the essay entitled "Coroner."

³² See the essay entitled "Auditor."

³³ See the essay entitled "County Agricultural Agent."

³⁴ See the essay entitled "County Assessor."

³⁵ See the essay entitled "County Department of Public Welfare."

³⁶ See the essay entitled "County Health Officer."

³⁷ *Ibid.*

³⁸ See the essay entitled "County Highway Supervisor."

County highway supervisor (1933 to date)³⁹
 County inspector of weights and measures (permissive since 1911)⁴⁰
 County school commissioner (1829 to 1849)⁴¹
 County school examiner (1838 to 1865)⁴²
 County superintendent (1873 to 1927)⁴³
 County superintendent of schools (1927 to date)⁴⁴
 Court reporter (permissive since 1881)⁴⁵
 District Attorney (1853 to 1873)⁴⁶
 District road supervisors (1814 to 1879)⁴⁷
 Election inspectors (1814 to date)⁴⁸
 Election judges (1814 to date)⁴⁹
 Home demonstration agent (permissive since 1914)⁵⁰
 Inspectors of beef, flour, pork, salt, hay, and tobacco (permissive since 1814)⁵¹
 Jury commissioners (1881 to date)⁵²
 Lister (1814 to 1841)⁵³
 Poll clerks (1859 to date)⁵⁴
 Probation officer (permissive since 1903)⁵⁵
 Prosecuting attorney (1814 to date)⁵⁶
 Public health nurse (permissive since 1935)⁵⁷

³⁹ *Ibid.*

⁴⁰ Acts 1911, ch. 263. Acts 1913, ch. 161. Acts 1925; Burns 69-104, 69-106 to 69-109; Baldwin 16335, 16337 to 16340.

⁴¹ See the essay entitled "County School Fund Board."

⁴² See the essay entitled "County Superintendent of Schools."

⁴³ *Ibid.*

⁴⁴ *Ibid.*

⁴⁵ See the essay entitled "Circuit Court."

⁴⁶ See the essay entitled "Prosecuting Attorney."

⁴⁷ See the essay entitled "County Highway Supervisor."

⁴⁸ See the essay entitled "County Board of Election Commissioners."

⁴⁹ *Ibid.*

⁵⁰ See the essay entitled "County Agriculture Agent."

⁵¹ See the essay entitled "County Health Officer."

⁵² See the essay entitled "Circuit Court."

⁵³ See the essay entitled "County Assessor."

⁵⁴ See the essay entitled "County Board of Election Commissioners."

⁵⁵ See the essay entitled "Circuit Court."

⁵⁶ See the essay entitled "Prosecuting Attorney."

⁵⁷ See the essay entitled "Public Health Nurse."

Recorder (1814 to date)⁵⁸
 Registration clerks (1911 to 1917)⁵⁹
 Registration inspector (1911 to 1917)⁶⁰
 Registration officer (1889 to 1892, 1933 to date)⁶¹
 Sheriff (1814 to date)⁶²
 Surveyor (1814 to date)⁶³
 Tax collector (1824 to 1841)⁶⁴
 Treasurer (1817 to date)⁶⁵
 Trustee of public seminary (1818 to 1853)⁶⁶
 Trustees of school sections (1814 to 1829)⁶⁷

BOARDS

Board of charities and corrections (1899 to 1936)⁶⁸
 Board of children's guardians (1901 to 1936)⁶⁹
 Board of commissioners (1817 to 1824, 1831 to date)⁷⁰
 Board of equalization (1824 to 1890)⁷¹
 Board of finance (1907 to date)⁷²
 Board of justices (1824 to 1831)⁷³
 Board of primary election commissioners (1907 to date)⁷⁴
 Board of registration commissioners (1917 to 1919)⁷⁵
 Board of turnpike directors (1879 to 1913)⁷⁶

⁵⁸ See the essay entitled "Recorder."

⁵⁹ See the essay entitled "Registration Officer."

⁶⁰ *Ibid.*

⁶¹ *Ibid.*

⁶² See the essay entitled "Sheriff."

⁶³ See the essay entitled "Surveyor."

⁶⁴ See the essay entitled "Treasurer."

⁶⁵ *Ibid.*

⁶⁶ See the essay entitled "County School Fund Board."

⁶⁷ *Ibid.*

⁶⁸ See the essay entitled "County Department of Public Welfare."

⁶⁹ *Ibid.*

⁷⁰ See the essay entitled "Board of Commissioners."

⁷¹ See the essay entitled "County Board of Review."

⁷² See the essay entitled "Board of Finance."

⁷³ See the essay entitled "Board of Commissioners."

⁷⁴ See the essay entitled "Board of Primary Election Commissioners."

⁷⁵ See the essay entitled "Registration Officer."

⁷⁶ See the essays entitled "Board of Commissioners" and "County Highway Supervisor."

Commission of public records (1939 to date)⁷⁷
 County board of canvassers (1843 to date)⁷⁸
 County board of education (1873 to date)⁷⁹
 County board of election commissioners (1889 to date)⁸⁰
 County board of health (1881 to 1909)⁸¹
 County board of public welfare (1936 to date)⁸²
 County board of review (1891 to date)⁸³
 County board of tax adjustment (1932 to date)⁸⁴
 County council (1899 to date)⁸⁵
 County department of public welfare (1936 to date)⁸⁶
 County planning commission (permissive since 1935)⁸⁷
 County school fund board (1935 to date)⁸⁸
 Precinct registration board (1911 to 1917, 1919 to 1927)⁸⁹
 Township board of registry (1867 to 1869)⁹⁰

COURTS

Circuit court (1814 to date)⁹¹
 Court of common pleas (1853 to 1873)⁹²
 Court of conciliation (1853 to 1865)⁹³
 Magistrates court (permissive since 1939)⁹⁴
 Probate court (1829 to 1853)⁹⁵

⁷⁷ See the essay entitled "Commission of Public Records."

⁷⁸ See the essay entitled "County Board of Canvassers."

⁷⁹ See the essay entitled "County Board of Education."

⁸⁰ See the essay entitled "County Board of Election Commissioners."

⁸¹ See the essay entitled "County Health Officer."

⁸² See the essay entitled "County Department of Public Welfare."

⁸³ See the essay entitled "County Board of Review."

⁸⁴ See the essay entitled "County Board of Tax Adjustment."

⁸⁵ See the essay entitled "County Council."

⁸⁶ See the essay entitled "County Department of Public Welfare."

⁸⁷ Acts 1935; Burns, 1939 suppl., 26-2301; Baldwin, 1935 suppl., 5205-1.

⁸⁸ See the essay entitled "County School Fund Board."

⁸⁹ See the essay entitled "Registration Officer."

⁹⁰ *Ibid.*

⁹¹ See the essay entitled "Circuit Court."

⁹² *Ibid.*

⁹³ *Ibid.*

⁹⁴ Acts 1939, ch. 164. No magistrates have been appointed in Posey County under authority of this act.

⁹⁵ See the essay entitled "Circuit Court."

In the early days of the county few public officials were needed. One court was needed to try civil and criminal cases and to administer estates of decedents. Criminal cases constituted a large majority of the court's business. The sheriff preserved order generally, took part in conducting elections, attended court and executed its process, acted as county treasurer, and collected taxes. The clerk of the circuit court acted as ministerial officer of the court, served as clerk of the board doing county business, took part in elections, county finance, and taxation, and was in general a "county clerk"—a name by which he is often called now. The duties of the coroner, prosecuting attorney, recorder, and surveyor were similar to their present duties. The offices of treasurer and tax collector were established in 1817 and 1824, respectively, relieving the sheriff of some duties; and the duties of the tax collector were transferred to the treasurer in 1841. County business was transacted by the associate judges of the circuit court from 1814 to 1817, by the board of commissioners from 1817 to 1824, 1831 to 1899, by the board of justices from 1824 to 1831, and by the board of commissioners and county council since 1899. The board doing county business had charge of the acquisition, use, and disposition of county property, constructed public buildings, levied taxes, issued licenses, established and constructed roads and bridges, allowed claims against the county, employed public officials other than the constitutional officers, and provided for public education and poor relief. As a result of increased property valuations, property transfers, business activity, and transportation facilities, taxation gradually grew from a very simple form to a more complex form, affecting more kinds of property and requiring additional public officials. New courts were created and abolished from time to time. The office of auditor (the financial agent of the county) was created in 1841 to take over many duties of the clerk of the circuit court. The first tax law for the support of schools was passed in 1849. Since the adoption of the Constitution of 1851 the public school facilities have steadily improved. In 1899 the "County Reform Law" was enacted, transferring to the newly created county council many duties concerning taxation and finance previously performed by the board of commissioners. In recent years public health service and public welfare assistance have become important functions of the county and its officials.

GENERAL ADMINISTRATION

The general administrative control of county matters is vested in the board of commissioners and the county council.⁹⁶

CONTRACTS

The board of commissioners, as the general governing body of the county, is the agency entrusted with the making of contracts for the purchase of materials and supplies for all county offices, and for the construction of county buildings and other public improvements.⁹⁷ The board cannot bind the county by any contract which is beyond the scope of its powers.⁹⁸ While contracts made by the board are ordinarily in writing, the board may, in certain cases, bind the county by oral contracts.⁹⁹

Though the statutes prescribing the methods of letting contracts vary in detail, their general features are fairly uniform. The board is usually required to prepare specifications of commodities to be purchased or work to be performed, together with plans, drawings, or models, if necessary or desirable, and to place these on file in the auditor's office for public inspection. Notice is then given by publication in newspapers of general circulation that the specifications are on file for examination and that sealed bids will be received up to a certain date. The board, after examination of the bids submitted, is required to award the contract to the lowest responsible bidder, or, in some instances, the lowest and best bidder.¹⁰⁰ The right is usually reserved to the board, however, to reject any and all bids, if they are unsatisfactory, and re-advertise for new bids. Contracts can-

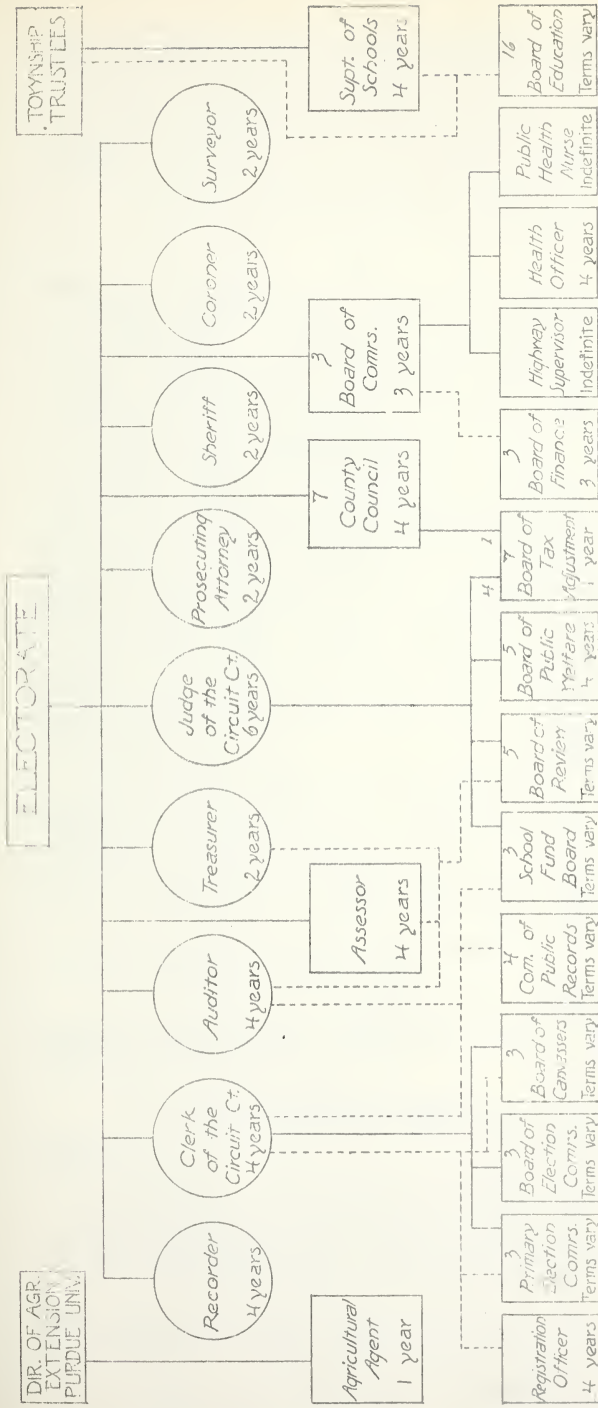
⁹⁶ Many duties of these boards are discussed specifically under appropriate headings of this essay. See also the essays entitled "Board of Commissioners" and "County Council."

⁹⁷ Acts 1899, 1903, 1933; Burns 26-536, 26-537; Baldwin 5401, 5402. Acts 1907; Burns 26-2001 to 26-2009; Baldwin 5100 to 5103. Acts 1913, 1929, 1933; Burns 53-101 to 53-106; Baldwin 14079 to 14083.

⁹⁸ Hight v. Board of County Comrs. (1879), 68 Ind. 575, 577; Driftwood Valley Turnpike Co. v. Board of County Comrs. (1880), 72 Ind. 226; Board of County Comrs. v. Bradford (1880), 72 Ind. 455.

⁹⁹ McCabe v. Board of County Comrs. (1874), 46 Ind. 330; Board of County Comrs. v. Ritter (1883), 90 Ind. 362.

¹⁰⁰ The courts have held that provisions of this nature vest some discretion in the board in determining the bidder to whom the contract shall be awarded. Ness v. Board of County Comrs. (1912), 178 Ind. 221, 98 N. E. 33; Eigenmann v. Board of County Comrs. (1913), 53 Ind. App. 1, 101 N. E. 38.



Commission of Public Records, selection of two members not indicated. One, the judge of Circuit Court; one, the president of the board of commissioners.
 Board of Tax Adjustment, selection of two members not indicated. One, the Mayor of Mt. Vernon or his appointee; one, a member of the board of school commissioners of Mt. Vernon.
 Health Officer, appointment approved by state board of health.
 Circles - constitutional officers. Squares - statutory officers. Figures - number of members and term of office. Solid lines - elected or appointed. Broken lines - ex officio.

Chart of Posey County Governmental Organization, 1940

not be made unless money has previously been appropriated by the county council for the particular purpose involved.¹⁰¹

As a general rule, the time for performance of a contract may extend beyond the official terms of the county commissioners, if the contract is made in good faith.¹⁰² A contract employing an attorney is an exception to this rule.¹⁰³

ACTIONS

Ordinarily an action for or against the county is brought by or against the board of commissioners.¹⁰⁴ An action to recover money from the county cannot be maintained until a claim therefor has been presented to the board of commissioners and disallowed in whole or in part; but the complaint in such suit need not allege such presentation and disallowance, this being a matter of defense.¹⁰⁵ If the allowance of a claim is illegal, unwarranted, or unauthorized, the board of commissioners may sue to recover from the payee the amount paid. If the board does not bring such suit within 60 days after such allowance, any taxpayer may demand such suit; and if such demand is refused, the taxpayer may sue for the county.¹⁰⁶ If money is illegally paid out of the county treasury, suit to recover the same from the payee may be maintained in the name of the state on the relation of the board of commissioners or the officer making disbursement. If such suit is not brought within 30 days, any citizen or taxpayer may make written demand on the board of commissioners to bring such suit; and if the board fails or refuses to do so, he may bring suit in the name of the state on his own relation.¹⁰⁷

The board of commissioners, as relator, may sue, in the

¹⁰¹ Acts 1899; Burns 26-525, 25-527; Baldwin 5389, 5391.

¹⁰² Board of County Comrs. v. Shields (1891), 130 Ind. 6, 29 N. E. 385; Jessup v. Hinchman (1922), 77 Ind. App. 460, 133 N. E. 853.

¹⁰³ Board of County Comrs. v. Taylor (1890), 123 Ind. 148, 23 N. E. 752.

¹⁰⁴ 1 Rev. Stat. 1852; Burns 26-606; Baldwin 5220. Shilling v. State *ex rel.* Board of County Comrs. (1901), 158 Ind. 185, 62 N. E. 49.

¹⁰⁵ Acts 1879 (Spec. Sess.), 1885; Burns 26-820; Baldwin 5275. Bass Foundry & Mach. Works v. Board of County Comrs. (1888), 115 Ind. 234, 17 N. E. 593; Board of County Comrs. v. Tichenor (1891), 129 Ind. 562, 29 N. E. 32; Mueller v. Board of County Comrs. (1920), 73 Ind. App. 196, 127 N. E. 15.

¹⁰⁶ Acts 1897; Burns 26-811; Baldwin 5262. Sudbury v. Board of County Comrs. (1901), 157 Ind. 446, 62 N. E. 45.

¹⁰⁷ Acts 1899; Burns 26-545; Baldwin 5410.

name of the state, on official bonds to recover county funds.¹⁰⁸ The auditor, as relator, may sue, in the name of the state, to recover money owing to the county.¹⁰⁹

The treasurer sues in his name, as treasurer, to collect property taxes.¹¹⁰ Suit to collect inheritance taxes is brought in the name of the county.¹¹¹ After a claim therefor has been disallowed by the board of commissioners, the taxpayer may sue the board of commissioners to recover taxes illegally assessed or collectd.¹¹²

Land needed by the county for public buildings,¹¹³ highways, bridges, culverts,¹¹⁴ drainage, sewers,¹¹⁵ or airports¹¹⁶ may be acquired by the county under its power of eminent domain, on payment of the value fixed by the court in condemnation proceedings.

The action of mandamus may be brought against any county officer to compel the performance of any act which the law specifically enjoins, or any duty resulting from his office or trust.¹¹⁷ For example, mandamus lies to compel: The auditor to draw warrants on the county treasury;¹¹⁸ the board of commissioners to take action on claims that have been properly presented,¹¹⁹ to approve official bonds,¹²⁰ and to repair or rebuild bridges;¹²¹ and the county council to make appropriations.¹²²

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¹⁰⁸ Acts 1831 (Spec. Sess.); Burns 2-203; Baldwin 18. *Graham v. State ex rel. Board of County Comrs.* (1879), 66 Ind. 386; *Shilling v. State ex rel. Board of County Comrs.* (1901), 158 Ind. 185, 62 N. E. 49.

¹⁰⁹ 1 Rev. Stat. 1852; Burns 49-3017; Baldwin 5431. *Vanarsdall v. State ex rel. Watson* (1879), 65 Ind. 176; *Demarest v. Holdeman* (1901), 157 Ind. 467, 62 N. E. 17.

¹¹⁰ Acts 1932 (Spec. Sess.); Burns 64-1511; Baldwin 15754.

¹¹¹ Acts 1931; Burns 6-2415; Baldwin 15953.

¹¹² Acts 1919; Burns 64-2819; Baldwin 15881. Acts 1923; Burns 64-2824; Baldwin 15884. *Cody v. Board of County Comrs.* (1932), 204 Ind. 87, 133 N. E. 404; *Board of County Comrs. v. Millikan* (1934), 207 Ind. 142, 190 N. E. 185.

¹¹³ Acts 1899; Burns 26-2101; Baldwin 5109.

¹¹⁴ Acts 1919; Burns 36-303; Baldwin 8861. Acts 1935; Burns, 1939 suppl., 36-711; Baldwin, 1935 suppl., 8861-1.

¹¹⁵ Acts 1937; Burns, 1939 suppl., 26-640; Baldwin, 1937 suppl., 5236-1.

¹¹⁶ Acts 1920 (Spec. Sess.); Burns 14-302; Baldwin 4022.

¹¹⁷ Acts 1881 (Spec. Sess.), 1911; Burns 3-2202; Baldwin 1091.

¹¹⁸ *Gill v. State ex rel. Board of County Comrs.* (1880), 72 Ind. 266.

¹¹⁹ *Board of County Comrs. v. State ex rel. Reed* (1913), 179 Ind. 644, 102 N. E. 97.

¹²⁰ *State ex rel. Taylor v. Board of County Comrs.* (1890), 124 Ind. 554, 25 N. E. 10.

¹²¹ *State ex rel. Roundtree v. Board of County Comrs.* (1881), 80 Ind. 478.

¹²² *Shelby County Council v. State ex rel. School of Shelbyville* (1900), 155 Ind. 216, 57 N. E. 712.

In some instances a county officer can be enjoined from acting illegally. Some of the acts prevented by injunction are: Collection of illegal taxes;¹²³ doing of illegal acts that would increase taxation;¹²⁴ payment of illegal claims;¹²⁵ and making an illegal contract.¹²⁶

The county is not liable for damages resulting from the acts or omissions of its officers, except where such liability is imposed or permitted by statute.¹²⁷

Failure of the county council to make appropriation for the debt or demand constituting the subject matter of the suit does not prevent maintenance of the suit or recovery of judgment.¹²⁸ No judgment against a county is enforceable except out of moneys appropriated by the county council for that purpose; but, by mandamus proceedings (against the county council, board of commissioners, and auditor), the county council may be compelled to make such appropriation.¹²⁹

It is the duty of the prosecuting attorney to superintend, on behalf of the county, all suits in which the county may be interested or involved,¹³⁰ including suits to collect taxes¹³¹ or to recover tax penalties and forfeitures¹³² and suits against officers or on their bonds.¹³³ The prosecuting attorney must make a report to the board of commissioners each month showing the causes in which he appeared in person or by deputy.¹³⁴

¹²³ *Hobbs v. Board of County Comrs.* (1885), 103 Ind. 575, 3 N. E. 263.

¹²⁴ *State ex rel. Davis v. Board of County Comrs.* (1905), 165 Ind. 262, 74 N. E. 1091.

¹²⁵ *Warren Agri. Joint Stock Co. v. Barr* (1876), 55 Ind. 30. But see *Bentley v. Board of County Comrs.* (1936), 102 Ind. App. 533, 200 N. E. 499.

¹²⁶ *Farris v. Jones* (1887), 112 Ind. 498, 14 N. E. 484.

¹²⁷ *State ex rel. Board of County Comrs. v. Board of County Comrs.* (1908), 170 Ind. 595, 608, 85 N. E. 513.

¹²⁸ Acts 1889; Burns 26-527; Baldwin 5391. *Board of County Comrs. v. Pike Civil Twp.* (1907), 168 Ind. 535, 81 N. E. 489.

¹²⁹ Acts 1899; Burns 26-528; Baldwin 5392.

Formerly the public property of the county was subject to execution to satisfy such judgment. *The Revised Statutes of the State of Indiana, 1852*, (Indianapolis, 1852), vol. 2 (series hereafter cited as *Rev. Stat. 1852*), Burns 26-803; Baldwin 5253.

¹³⁰ 2 *Rev. Stat. 1852*; Burns 49-2504; Baldwin 5460.

¹³¹ Acts 1931; Burns 6-2415; Baldwin 15953. Acts 1937; Burns, 1939 suppl., 16-320; Baldwin, 1937 suppl., 3811-4. Acts 1919; Burns 64-719, 64-1519; Baldwin 15633, 15773. Acts 1932 (*Spec. Sess.*); Burns 64-1511; Baldwin 15754. Acts 1933, 1937; Burns, 1939 suppl., 64-2628; Baldwin, 1937 suppl., 16009.

¹³² Acts 1919; Burns 64-608, 64-1319, 64-2208; Baldwin 15576, 15723, 15815.

¹³³ Acts 1917; Burns 60-227; Baldwin 13878.

¹³⁴ Acts 1933; Burns 49-2695; Baldwin 7550.

RECORDATION

The recordation of deeds, mortgages, plats, and other private documents for purposes of preservation and public notice is a most important function of the county, since commerce and titles to property are directly affected thereby.¹³⁵ To entitle any conveyance, mortgage, or other written instrument to be recorded, the execution thereof must be acknowledged or proved in the manner required by law,¹³⁶ and the intangible tax thereon (if any) must be paid.¹³⁷ No conveyance of land can be recorded by the recorder until after the instrument has been presented to the auditor and he has made an endorsement thereon that the land has been duly entered for taxation or is not taxable.¹³⁸

The recorder and clerk of the circuit court are the recording officers. Lists of documents which may be recorded by them are set out in the essays on their offices in Part B of this book.

Indiana has no system of registration of land titles. A bill to establish the "Torrens System" of registration of land titles was introduced in the 1939 session of the general assembly but was defeated.

Indiana has a system of registering titles to motor vehicles (law administered by the state bureau of motor vehicles),¹³⁹ but has no system of registering titles to other personal property.

JUDICIARY

Posey Circuit Court (the only court of record in the

¹³⁵ Acts 1935; Burns, 1939 suppl., 51-504; Baldwin, 1935 suppl., 13227-4. 1 Rev. Stat. 1852; Burns 56-118; Baldwin 14664. 1 Rev. Stat. 1852, Acts 1875, 1913, 1921, 1923; Burns 56-119; Baldwin 14671. Acts 1897; Burns 56-120. Acts 1877; Burns 56-716; Baldwin 998.

¹³⁶ *The Revised Laws of the State of Indiana, 1831*, (Indianapolis, 1831), ch. 41, secs. 7, 11 (volume hereafter cited as *Rev. Laws 1831*). Acts 1905; Burns 48-801; Baldwin 12473. 1 Rev. Stat. 1852; Burns 49-3212; Baldwin 14666. Acts 1935; Burns, 1939 suppl., 51-507; Baldwin, 1935 suppl., 13227-7. 1 Rev. Stat. 1852, Acts 1859; Burns 56-123 to 56-130, 56-132 to 56-137; Baldwin 14674 to 14676, 14679 to 14683, 14666, 14669, 14658, 14677, 14659, 14731.

The acknowledgment or proof must be recorded with the instrument. *Ibid.*

¹³⁷ Acts 1933; Burns 64-929; Baldwin 15927.

¹³⁸ 1 Rev. Stat. 1852; Burns 49-3214; Baldwin 5478. Acts 1919; Burns 64-1409; Baldwin 15746.

¹³⁹ Acts 1921, 1931, 1935, 1939; Burns, 1939 suppl., 47-301; Baldwin, 1939 suppl., 11128.

county) has been in active existence since 1814. Posey County alone has constituted the eleventh judicial circuit since March 1, 1913. Before then the county belonged to judicial circuits composed of more than one county. The circuit court has consisted of one judge since 1851. Before then it was composed of three judges (two associate judges who served in Posey County only, and one president judge-called a "circuit judge" before the adoption of the Constitution of 1816—who served in each county of the judicial circuit). The following courts previously existed in Posey County, but were abolished: Court of common pleas, 1853 to 1873; probate court, 1829 to 1853; and court of conciliation, 1853 to 1865.¹⁴⁰

The circuit court has original jurisdiction of naturalization proceedings under the federal laws, all criminal cases under the state laws (except those punishable only by fine not exceeding \$3), all civil actions at law, all suits in equity (including divorce suits), juvenile matters, guardianships, probate of wills, and administration of estates of decedents. The circuit court is known as the "Juvenile Court" when exercising jurisdiction of juvenile matters.¹⁴¹ The United States Department of Labor does not furnish the Posey Circuit Court with the necessary printed forms for naturalization proceedings, hence this court is prevented from exercising its naturalization jurisdiction.¹⁴²

The circuit court has appellate jurisdiction¹⁴³ to review decisions of justices of the peace,¹⁴⁴ mayors' courts, city courts, police courts,¹⁴⁵ board of commissioners,¹⁴⁶ board of review fixing value of property for taxation,¹⁴⁷ taxing

¹⁴⁰ See the essay entitled "Circuit Court."

¹⁴¹ *U. S. Statutes at Large*, 2:153, 155 (law of 1802); 4:69 (law of 1824). *The Code of the Laws of the U. S. A. of a General and Permanent Character in Force January 3, 1935* (Washington, 1935), title 8, sec. 357 (laws of 1906, 1911, 1913), (volume hereafter cited as *U. S. C.*). Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397. Acts 1905; Burns 9-711, 9-715; Baldwin 2080, 2084. Acts 1903, 1913, 1931, 1935, 1937; Burns, 1939 suppl., 9-2801; Baldwin, 1937 suppl., 1759.

¹⁴² Letter of December 11, 1939 from Guy Cleveland, Clerk of Posey Circuit Court.

¹⁴³ Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397.

¹⁴⁴ 2 Rev. Stat. 1852; Burns 5-1001; Baldwin 1931.

¹⁴⁵ Acts 1905; Burns 4-2415; Baldwin 2390. Acts 1917; Burns 4-2603; Baldwin 11603. Acts 1921; Burns 4-2702; Baldwin 12172. Acts 1923; Burns 4-2802; Baldwin 12336.

¹⁴⁶ Acts 1879 (Spec. Sess.), 1885; Burns 26-820; Baldwin 5275. 1 Rev. Stat. 1852; Burns 26-901; Baldwin 5277. Acts 1905; Burns 36-1501; Baldwin 8858. Acts 1933; Burns 27-117; Baldwin 5753. *State ex rel. Sink v. Circuit Court* (1938), 214 Ind. 323, 15 N. E. (2d) 624.

¹⁴⁷ Acts 1927; Burns 64-1020; Baldwin 15686.

authorities determining that property is taxable,¹⁴⁸ board of public works or board of park commissioners of any city in the county (or city council performing such functions),¹⁴⁹ and other inferior tribunals when no express direction is given as to the court to which the appeal lies.¹⁵⁰

The circuit court has power to make all proper judgments, sentences, decrees, orders, and injunctions; to issue all process;¹⁵¹ and to adopt rules for conducting its business.¹⁵² Decisions of the circuit court are reviewable by the Supreme Court of Indiana or the Appellate Court of Indiana.¹⁵³

In each township in Posey County there is a justice of the peace, elected for a four-year term by the voters of the township. He has original jurisdiction (concurrent with the circuit court) of certain civil actions involving \$200 or less, with power to render judgment up to \$300 on confession, exclusive original jurisdiction of misdemeanors under the state laws punishable by fine not exceeding \$3, original jurisdiction (concurrent with the circuit court) of all other misdemeanors under the state laws punishable by fine only, with power to assess fines only up to \$25, and jurisdiction as a committing magistrate in criminal cases under the state laws. His civil jurisdiction is limited to his township, but his criminal jurisdiction is co-extensive with his county. Each justice of the peace must pay to the county treasurer all fines which he collects. Posey County has had justices of the peace since its organization in 1814.¹⁵⁴

Arranged according to subject matter, the courts existing

¹⁴⁸ Acts 1919, 1927; Burns 64-2103; Baldwin 15804.

¹⁴⁹ Acts 1933; Burns 48-4501; Baldwin 11576.

¹⁵⁰ *Hamilton v. Fort Wayne* (1820), 73 Ind. 1.

¹⁵¹ 2 Rev. Stat. 1852; Burns 4-307; Baldwin 1400.

¹⁵² 2 Rev. Stat. 1852; Burns 4-313; Baldwin 1406.

¹⁵³ 2 Rev. Stat. 1852, pt. 2, ch. 1, sec. 550. Acts 1901, 1907, 1915, 1925; Burns 4-214 Baldwin 1356.

¹⁵⁴ Const. 1816, art. 5, sec. 12. Const. 1851, art. 7, sec. 14. Acts 1807, ch. 1; ch. 27, sec. 1; ch. 30, sec. 3; ch. 38, secs. 1, 10, 13. Acts 1808, ch. 11. Acts 1811, ch. 36, secs. 1, 13, 17. Acts 1813, ch. 23, secs. 1, 2. Acts 1814, ch. 12, secs. 2, 5. Acts 1815, ch. 11, secs. 1, 12. *The Revised Statutes of the State of Indiana, 1838* (Indianapolis, 1838), ch. 7 (second act), sec. 1 (volume hereafter cited as Rev. Stat. 1838); ch. 58, secs. 1, 5, 14, 18, 19, 39. Rev. Stat. 1843, ch. 4, secs. 21-25; ch. 47, secs. 1-13; ch. 55, secs. 1, 5-8. 2 Rev. Stat. 1852, part 4, ch. 1, secs. 1-3; ch. 6, secs. 1-9. Acts 1913; Burns 5-101; Baldwin 1828. 2 Rev. Stat. 1852, Acts 1861; Burns 5-201, 5-208; Baldwin 1857, 1859. Acts 1881; Burns 5-1803; Baldwin 1874. Acts 1905; Burns 9-711, 9-715; Baldwin 2080, 2084.

in Posey County from 1814 to date have had original jurisdiction as follows:—*Civil actions at Law*: (a) circuit court (1814 to date);¹⁵⁵ (b) probate court (1838 to 1853);¹⁵⁶ (c) court of common pleas (1853 to 1873);¹⁵⁷ *criminal cases*: (a) circuit court (1814 to date);¹⁵⁸ (b) court of common pleas (1853 to 1873);¹⁵⁹ *chancery cases*: (a) circuit court (1814 to date);¹⁶⁰

¹⁵⁵ Const. 1816, art. 5, secs. 1, 3. Const. 1851, art. 7, secs. 1, 8. Acts 1814, ch. 2, sec. 3; ch. 20, secs. 1, 5, 16. Acts 1815, ch. 19, sec. 1. Acts 1816-17, ch. 2, secs. 5, 6; ch. 3, sec. 2. Acts 1817-18 (general), ch. 2, sec. 5. *The Revised Laws of the State of Indiana, 1824* (Corydon, Indiana, 1824), ch. 24, secs. 4, 5 (volume hereafter cited as Rev. Laws 1824). Rev. Laws 1831, ch. 22, sec. 3. Rev. Stat. 1838, ch. 23 (first act), sec. 3; ch. 88, sec. 1. *The Revised Statutes of the State of Indiana, 1843* (Indianapolis, 1843) ch. 38, secs. 7, 10-12 (volume hereafter cited as Rev. Stat. 1843). 2 Rev. Stat. 1852, pt. 1, ch. 4, sec. 5; ch. 8, sec. 11. Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397.

¹⁵⁶ Dower proceedings, partition proceedings, and actions concerning heirs, devisees, executors, administrators, and guardians. Acts 1828-29, ch. 26, secs. 1, 2. Rev. Laws 1831, ch. 25, secs. 1, 4. Rev. Stat. 1838, ch. 24, secs. 1, 5, 6. Rev. Stat. 1843, ch. 39, secs. 1, 6-8.

The probate court was abolished in 1853, and its jurisdiction was transferred to the court of common pleas. 1 Rev. Stat. 1852, ch. 92, sec. 1. 2 Rev. Stat. 1852, pt. 1, ch. 8, sec. 43. Jones v. Cavins (1853), 4 Ind. 305.

¹⁵⁷ 2 Rev. Stat. 1852, pt. 1, ch. 8, secs. 5, 7, 11, 12, 23. Jones v. Cavins (1853), 4 Ind. 305.

The court of common pleas had no jurisdiction of civil actions at law involving title to real estate, or to recover on bonds of state or county officers, or to recover damages for slander, libel, or breach of marriage contract, or to recover \$1,000 or more, or to recover \$50 or less. 2 Rev. Stat. 1852, pt. 1, ch. 4, sec. 5; ch. 8, sec. 11.

The court of common pleas was abolished in 1873, and its jurisdiction was transferred to the circuit court. Acts 1873; Burns 4-328; Baldwin 1417.

¹⁵⁸ Const. 1816, art. 5, secs. 1, 3. Const. 1851, art. 7, secs. 1, 8. Acts 1814, ch. 2, sec. 3; ch. 20, secs. 1, 5, 16. Acts 1815, ch. 19, sec. 1. Acts 1816-17, ch. 2, secs. 5-7; ch. 3, sec. 2. Acts 1817-18 (general), ch. 2, secs. 5-7. Rev. Laws 1824, ch. 24, secs. 4-6. Rev. Laws 1831, ch. 22, secs. 3-5. Rev. Stat. 1838, ch. 23 (first act), secs. 3-5. Rev. Stat. 1843, ch. 38, secs. 9, 12, 13. 2 Rev. Stat. 1852, pt. 1, ch. 4, sec. 5. Acts 1867, ch. 16, sec. 1; ch. 26. Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397.

¹⁵⁹ The court of common pleas had no original jurisdiction of felonies punishable by death. 2 Rev. Stat. 1852, pt. 1, ch. 4, sec. 5; ch. 8, secs. 14-19. Jones v. Cavins (1853), 4 Ind. 305.

¹⁶⁰ Const. 1816, art. 5, secs. 1, 3. Const. 1851, art. 7, secs. 1, 8. Acts 1807, ch. 25, sec. 5. Acts 1813, ch. 28, sec. 1-8. Acts 1813-14, ch. 29, secs. 1-5. Acts 1814, ch. 3, secs. 1, 2; ch. 17, sec. 6; ch. 20, secs. 3, 5; ch. 21, secs. 2, 24, 25, 30. Acts 1816-17, ch. 2, secs. 5, 6; ch. 3, sec. 2; ch. 4. Acts 1817-18 (general), ch. 2, sec. 5; ch. 3. Rev. Laws 1824, ch. 24, secs. 4, 5. Rev. Laws 1831, ch. 22, sec. 3. Rev. Stat. 1838, ch. 23 (first act), secs. 3, 12. Rev. Stat. 1843, ch. 38, secs. 8, 10-12; ch. 46, secs. 1-3. 2 Rev. Stat. 1852, pt. 1, ch. 4, sec. 5. Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397.

It is doubtful whether the circuit court had jurisdiction of divorce cases from 1814 to 1816.

(b) probate court (1838 to 1853);¹⁶¹ (c) court of common pleas (1853 to 1873);¹⁶² *probate matters, settlement of decedents' estates, and guardianships*: (a) Posey Circuit Court (1814 to 1829 and 1873 to date);¹⁶³ (b) probate court (1829 to 1853);¹⁶⁴ (c) court of common pleas (1853 to 1873);¹⁶⁵ *juvenile matters*: (a) Posey Circuit Court (1867 to date);¹⁶⁶ (b) court of common pleas (1867 to 1873);¹⁶⁷ *conciliation*: court of conciliation (1853 to 1865);¹⁶⁸ *naturalization proceedings*: (a) circuit court (1814 to date);¹⁶⁹

¹⁶¹ Chancery suits in favor of or against heirs, devisees, legatees, executors, administrators, or guardians, and their sureties and representatives. Acts 1828-29, ch. 26, secs. 1, 2. Rev. Laws 1831, ch. 25, secs. 1, 4. Rev. Stat. 1838, ch. 24, secs. 1, 5. Rev. Stat. 1843, ch. 39, secs. 1, 6; ch. 46, secs. 1-3.

¹⁶² 2 Rev. Stat. 1852, pt. 1, ch. 4, sec. 5; ch. 8, secs. 7, 11, 21. Jones v. Cavins (1853), 4 Ind. 305.

¹⁶³ Const. 1816, art. 5, secs. 1, 3. Const. 1851, art. 7, secs. 1, 8. Acts 1814, ch. 20, sec. 15. Acts 1815, ch. 6, secs. 4, 5; ch. 18, secs. 1-5. Acts 1816-17, ch. 2, secs. 5, 6; ch. 3, secs. 2, 3. Acts 1817-18 (general), ch. 2, sec. 5; ch. 13. Rev. Laws 1824, ch. 24, secs. 4, 5; ch. 79. Acts 1828-29, ch. 26, secs. 1, 2. Rev. Laws 1831, ch. 22, sec. 3; ch. 25, secs. 1, 4. Rev. Stat. 1838, ch. 23 (first act), sec. 3; ch. 24, secs. 1, 4-6. Rev. Stat. 1843, ch. 38, secs. 6-13; ch. 39, secs. 1, 6-8. 1 Rev. Stat. 1852, ch. 92, sec. 1. 2 Rev. Stat. 1852, pt. 1, ch. 4, sec. 5; ch. 8, secs. 4, 5, 43. Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397. Acts 1873; Burns 4-328; Baldwin 1417. Jones v. Cavins (1853), 4 Ind. 305.

¹⁶⁴ Acts 1828-29, ch. 26, secs. 1, 2. Rev. Laws 1831, ch. 25, secs. 1, 4. Rev. Stat. 1838, ch. 24, secs. 1, 4-6. Rev. Stat. 1843, ch. 4, secs. 2, 9; ch. 39, secs. 1, 5-8. 1 Rev. Stat. 1852, ch. 92, sec. 1. 2 Rev. Stat. 1852, pt. 1, ch. 8, sec. 43. Jones v. Cavins (1853), 4 Ind. 305.

¹⁶⁵ 2 Rev. Stat. 1852, pt. 1, ch. 8, sec. 4. Acts 1873; Burns 4-328; Baldwin 1417. Jones v. Cavins (1853), 4 Ind. 305.

¹⁶⁶ Acts 1867, ch. 62, secs. 10-19, 22, 23. Acts 1869 (Spec. Sess.), ch. 32, secs. 19-26, 35, 36. Acts 1872 (Spec. Sess.), ch. 30. Acts 1875 ch. 45. Acts 1879, ch. 58. Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397. Acts 1927, 1929; Burns 4-603; Baldwin 1453. Acts 1903, 1913, 1931, 1935, 1937; Burns, 1939 suppl., 9-2801; Baldwin, 1937 suppl., 1759.

¹⁶⁷ 2 Rev. Stat. 1852, pt. 1, ch. 8, sec. 1. Acts 1867, ch. 62, secs. 10-19, 22, 23. Acts 1869 (Spec. Sess.), ch. 32, secs. 19-26, 35, 36. Acts 1872 (Spec. Sess.), ch. 30. Acts 1873; Burns 4-328; Baldwin 1417.

¹⁶⁸ Const. 1851, art. 7, sec. 19. 2 Rev. Stat. 1852, pt. 2, ch. 2. Jones v. Cavins (1853), 4 Ind. 305.

The court of conciliation was abolished in 1865. Acts 1865 (Spec. Sess.), ch. 57.

¹⁶⁹ U. S. Statutes at Large, 2:153, 155 (law of 1802); 4:69 (law of 1824). U. S. C., title 8, sec. 357 (laws of 1906, 1911, 1913). Const. 1816, art. 5, secs. 1, 3. Const. 1851, art. 7, secs. 1, 8. Acts 1814, ch. 2, sec. 3; ch. 20, secs. 1, 5, 16. Acts 1815, ch. 19, sec. 1. Acts 1816-17, ch. 2, secs. 5, 6; ch. 3, sec. 2. Acts 1817-18 (general), ch. 2, sec. 5. Rev. Laws 1824, ch. 24, secs. 4, 5. Rev. Laws 1831, ch. 22, sec. 3. Rev. Stat. 1838, ch. 23 (first act), sec. 3; ch. 88, sec. 1. Rev. Stat. 1843, ch. 38, secs. 7, 10-12. 2 Rev. Stat. 1852, pt. 1, ch. 4, sec. 5; ch. 8, sec. 11. Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397.

(b) court of common pleas (1853 to 1873).¹⁷⁰

Decisions of the circuit court were reviewable by the General Court of Indiana Territory from 1814 to 1817,¹⁷¹ by the Supreme Court of Indiana from 1817 until 1891, and since 1891 by the Supreme Court of Indiana or the Appellate Court of Indiana.¹⁷² Decisions of the probate court (1829 to 1853) and the court of common pleas (1853 to 1873) were reviewable by the circuit court or the Supreme Court of Indiana.¹⁷³ Proceedings in the court of conciliation could not be appealed to another court.¹⁷⁴

The clerk of the circuit court, in person or by deputy, performs for the circuit court the numerous statutory and customary duties of clerk.¹⁷⁵ From 1829 until 1853 the clerk of the circuit court was *ex officio* clerk of the probate court (abolished in 1853);¹⁷⁶ and from 1853 until 1873 he was *ex officio* clerk of the court of common pleas (abolished in 1873).¹⁷⁷

The sheriff, in person or by deputy, attends the circuit court, preserves order therein, and executes the process of

Because of the failure of the United States Department of Labor to furnish the necessary printed forms, this court is prevented from exercising its jurisdiction in naturalization proceedings.

¹⁷⁰ *U. S. Statutes at Large*, 2:153, 155 (law of 1802); 4:69 (law of 1824). *U. S. C.*, title 8, sec. 357 (laws of 1806, 1911, 1913). 2 *Rev. Stat.* 1852, pt. 1, ch. 4, sec. 5; ch. 8, secs. 5, 7, 11, 12, 21, 23. Acts 1873; Burns 4-328; Baldwin 1417. *Jones v. Cavins* (1853), 4 *Ind.* 305.

¹⁷¹ *Const.* 1816, art. 12, secs. 3, 4, 7, 11. Acts 1807, ch. 2, sec. 10; ch. secs. 1-3; ch. 16, secs. 11, 21; ch. 27, sec. 4; ch. 44, sec. 9; ch. 46, sec. 39. Acts 1808, ch. 13, sec. 1. Acts 1813, ch. 31, sec. 8. Acts 1813-14, ch. 17, sec. 4; ch. 29, sec. 11. Acts 1814, ch. 20, secs. 1, 12. Acts 1816-17, ch. 1, sec. 25.

¹⁷² Acts 1816-17, ch. secs. 7, 13. Acts 1817-18 (general), ch. 1, secs. 7, 13. *Rev. Laws* 1824, ch. 25, sec. 7. *Rev. Laws* 1831, ch. 24, sec. 7. *Rev. Stat.* 1838, ch. 25, secs. 13, 16. *Rev. Stat.* 1843, ch. 37, secs. 1, 9, 70, 91. 2 *Rev. Stat.* 1852, pt. 2, ch. 1, sec. 550. Acts 1891, ch. 3. Acts 1893, ch. 32. Acts 1897, ch. 9. Acts 1899, ch. 22. Acts 1901, 1907, 1915, 1925; Burns 4-214; Baldwin 1556.

¹⁷³ Acts 1828-29, ch. 26, sec. 4. *Rev. Laws* 1831, ch. 24, sec. 7; ch. 25, sec. 52. *Rev. Stat.* 1838, ch. 24, sec. 12; ch. 25, secs. 13, 16. *Rev. Stat.* 1843, ch. 37, secs. 1, 9, 70; ch. 39, secs. 33-36. 2 *Rev. Stat.* 1852, pt. 1, ch. 8, secs. 13, 20; pt. 2, ch. 1, sec. 550.

¹⁷⁴ *Const.* 1851, art. 7, sec. 19. 2 *Rev. Stat.* 1852, pt. 2, secs. 7, 12-14.

¹⁷⁵ 2 *Rev. Stat.* 1852; Burns 49-2706; Baldwin 1433. See the essay entitled "Clerk of the Circuit Court."

¹⁷⁶ Acts 1829-30, ch. 26, sec. 3. *Rev. Laws* 1831, ch. 25, sec. 7. 1 *Rev. Stat.* 1852, ch. 92, sec. 1. 2 *Rev. Stat.* 1852, pt. 1, ch. 8, sec. 43.

¹⁷⁷ 2 *Rev. Stat.* 1852, pt. 1, ch. 8, secs. 25, 26. Acts 1873; Burns 4-328; Baldwin 1417.

the court.¹⁷⁸ Constables perform similar duties for the justices of the peace.¹⁷⁹ The prosecuting attorney acts as attorney for the state in criminal cases under state laws and as attorney for the county and state in certain civil cases.¹⁸⁰ The probation officer (appointed by the judge of the circuit court) makes investigations and reports in criminal and juvenile matters as directed by the court, and supervises the conduct of persons on probation.¹⁸¹ The county director of public welfare performs duties of probation officer when so directed by the circuit court.¹⁸² The court reporter (appointed by the judge of the circuit court) takes down in shorthand, and thereafter transcribes into typewriting, as directed by the court or the parties, the oral evidence, rulings, instructions to the jury, and other proceedings of the court.¹⁸³ Two jury commissioners (appointed by the judge of the circuit court) prepare lists of names from which the grand juries and petit juries are drawn.¹⁸⁴

Formerly a jury was used in coroner's inquests, but such juries were abolished in 1879. Under the present system, coroners act in a nonjudicial capacity when holding inquests.¹⁸⁵

LAW ENFORCEMENT

The constitution provides that all judicial officers shall be conservators of the peace in their respective juris-

¹⁷⁸ 2 Rev. Stat. 1852; Burns 49-2802, 49-2803; Baldwin 5494, 5495. See the essay entitled "Sheriff."

¹⁷⁹ 2 Rev. Stat. 1852; Burns 5-601; Baldwin 1865. Acts 1905; Burns 9-710; Baldwin 2081. 2 Rev. Stat. 1852; Burns 49-3401, 49-3403, 49-3407; Baldwin 16116, 16119, 16122.

¹⁸⁰ 2 Rev. Stat. 1852; Burns 49-2501, 49-2504; Baldwin 5456, 5460. See the essay entitled "Prosecuting Attorney."

¹⁸¹ Acts 1903, ch. 23, sec. 2. Acts 1925, ch. 218. Acts 1927; Burns 9-2212, 9-2213; Baldwin 2363, 2364.

¹⁸² Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1120; Baldwin, 1937 suppl., 14078-21.

¹⁸³ Acts 1881 (Spec. Sess.), ch. 89. Acts 1899, 1927; Burns 4-3501 to 4-3511; Baldwin 1288 to 1292, 1298, 1298-1, 1776, 1297-1, 1293, 1300.

¹⁸⁴ Acts 1881 (Spec. Sess.), 1899; Burns 4-3301; Baldwin 1266. Acts 1881 (Spec. Sess.), 1939; Burns, 1939 suppl., 4-3304; Baldwin, 1939 suppl., 1267.

¹⁸⁵ Acts 1807, ch. 8, secs. 2-10. Acts 1817-18 (general), ch. 20, secs. 1-9. Rev. Laws 1824, ch. 100, secs. 10-22. Rev. Stat. 1838, ch. 99 (1), secs. 1-23; ch. 99 (2), secs. 1-3. Rev. Stat. 1843, ch. 5, sec. 136; ch. 37, sec. 135; ch. 38, secs. 82-84; ch. 56, secs. 1-16. 2 Rev. Stat. 1852, Acts 1871, 1879 (Spec. Sess.), 1935; Burns, 1939 suppl., 49-2904a; Baldwin, 1935 suppl., 5439a. Acts 1879; Burns 49-2905; Baldwin 5444. *Stults v. Board of County Comrs.*, 168 Ind. 539, 81 N. E. 471.

dictions,¹⁸⁶ and that all criminal prosecutions shall be carried on in the name and by the authority of the state.¹⁸⁷

Investigations of alleged violations of criminal law are conducted by the prosecuting attorney,¹⁸⁸ the sheriff,¹⁸⁹ or the coroner,¹⁹⁰ co-operating with one another and with state and federal bureaus of law enforcement;¹⁹¹ and the results of such investigations, if they point toward violations of the law, are presented to the grand jury by the prosecuting attorney.¹⁹²

The prosecuting attorney or his deputy may appear before the grand jury for the purpose of interrogating witnesses or giving information relative to any matter cognizable by it or giving requested advice on any legal matter, but he cannot be present during the deliberations of the grand jury.¹⁹³ The grand jury consists of six members,¹⁹⁴ at least five of whom must concur in the finding of an indictment. When an indictment is found it is endorsed by the foreman of the grand jury, "A true bill", and is also signed by the prosecuting attorney.¹⁹⁵

The prosecuting attorney conducts all prosecutions for felonies and misdemeanors charged in indictments returned by the grand jury.¹⁹⁶ He may also prosecute on affidavit all criminal offenses under the state laws, other than treason and murder.¹⁹⁷

Actual enforcement of criminal law in the county is entrusted to the sheriff and the coroner, both offices having existed in Posey County since its organization in 1814.¹⁹⁸ As law enforcement officers, they have identical powers and

¹⁸⁶ Const. 1816, art. 5, sec. 5. Const. 1851, art. 7, sec. 15.

¹⁸⁷ Const. 1816, art. 5, sec. 11. Const. 1851, art. 7, sec. 18.

¹⁸⁸ 2 Rev. Stat. 1852; Burns 49-2503; Baldwin 5459.

¹⁸⁹ 2 Rev. Stat. 1852; Burns 42-2802; Baldwin 5494.

¹⁹⁰ 2 Rev. Stat. 1852, Acts 1871, 1879 (Spec. Sess.), 1935; Burns, 1939 suppl., 49-2904; Baldwin, 1935 suppl., 5439.

¹⁹¹ Acts 1927; Burns 9-2603 to 9-2610; Baldwin 15352 to 15355, 15357 to 15361.

¹⁹² Acts 1905, 1927; Burns 9-806, 9-901, 9-908; Baldwin 2102, 2123, 2131.

¹⁹³ Acts 1905; Burns 9-826; Baldwin 2122.

¹⁹⁴ Acts 1905; Burns 9-801; Baldwin 2097.

¹⁹⁵ Acts 1905; Burns 9-901; Baldwin 2123.

¹⁹⁶ 2 Rev. Stat. 1852; Burns 49-2504; Baldwin 5460.

¹⁹⁷ Acts 1905, 1927; Burns 9-908; Baldwin 2131.

¹⁹⁸ Const. 1816, art. 4, sec. 25. Const. 1851, art. 6, sec. 2. Acts 1807, ch. 4, sec. 1; ch. 8, sec. 1. Acts 1814, ch. 7, sec. 1.

duties;¹⁹⁹ in practice, however, the coroner performs few of these duties, except in the absence or incapacity of the sheriff. These officers make arrests in accordance with warrants issued by the circuit court or by the clerk of the circuit court, based on indictments returned by the grand jury or affidavits filed with the court.²⁰⁰ Writs of arrest may also be issued by the coroner, when the results of an inquest indicate that a felony was committed.²⁰¹ Arrest without warrant can be made for a felony, where the arresting officer has reliable information of the commission of the crime by the person arrested; and arrest without warrant can be made for a felony or misdemeanor committed within view of the arresting officer.²⁰² A warrant issued to the sheriff of the county in which the indictment was found or the affidavit was filed may be executed by him in any county of the state.²⁰³

In the constitution there are many provisions for the benefit of persons accused of crime. Justice must be administered freely, and without purchase; speedily, and without delay.²⁰⁴ The accused has the right to a public trial in the county in which the offense was committed; the right to be heard by himself and counsel; the right to demand the nature and cause of the accusation against him, and to have a copy thereof; the right to meet the witnesses face to face; and the right to have compulsory process for obtaining witnesses in his favor.²⁰⁵ No person can be put in jeopardy twice for the same offense. In a criminal prosecution, no person can be compelled to testify against himself.²⁰⁶ A person arrested or confined in jail must not be treated with unnecessary rigor.²⁰⁷ Excessive bail must not be required. Excessive fines must not be imposed. Cruel and unusual punishments must not be inflicted. All penalties must be proportioned to the nature of the offense.²⁰⁸ Offenses other than murder

¹⁹⁹ 2 Rev. Stat. 1852, Acts 1933; Burns 49-2901; Baldwin 5436.

²⁰⁰ Acts 1881 (Spec. Sess.); Burns 3-302; Baldwin 725.

²⁰¹ 2 Rev. Stat. 1852; Burns 49-2914; Baldwin 5448.

²⁰² *Doering v. State* (1874), 49 Ind. 56, 19 Am. Rep. 669; *Hart v. State* (1924), 195 Ind.

384, 145 N. E. 449.

²⁰³ Acts 1905, 1937; Burns, 1939 suppl., 9-1001; Baldwin, 1937 suppl., 2134.

²⁰⁴ Const. 1851, art. 1, sec. 12.

²⁰⁵ *Ibid.*, sec. 13.

²⁰⁶ *Ibid.*, sec. 14.

²⁰⁷ *Ibid.*, sec. 15.

²⁰⁸ *Ibid.*, sec. 16.

and treason are always bailable by sufficient sureties. Murder and treason are bailable unless the proof of guilt is evident or the presumption of guilt is strong.²⁰⁹ The penal laws of Indiana are founded on the principles of reformation, and not of vindictive justice.²¹⁰ In all criminal cases the jury has the right to determine both the law and the facts.²¹¹ The privilege of the writ of habeas corpus (to obtain release from unlawful detention) cannot be suspended, except in case of rebellion or invasion; and then only if the public safety demands such suspension.²¹² No conviction can work corruption of blood or forfeiture of estate.²¹³ The governor has power to grant reprieves, commutations, and pardons, and to remit fines and forfeitures.²¹⁴

The county jail is maintained by the county,²¹⁵ the sheriff being responsible for its management.²¹⁶ Inspection or investigation is made by the grand jury at the beginning of each regular session,²¹⁷ and by the board of commissioners every three months.²¹⁸

FINANCE

APPROPRIATIONS AND BUDGETS

The power of making appropriations of money to be paid out of the county treasury has been vested exclusively in the county council since 1899.²¹⁹ Before 1899 the board of commissioners performed the duties now performed by the county council.²²⁰

No money can be drawn from the county treasury not in pursuance of appropriation therefor,²²¹ except in the follow-

²⁰⁹ *Ibid.*, sec. 17.

²¹⁰ *Ibid.*, sec. 18.

²¹¹ *Ibid.*, sec. 19.

²¹² *Ibid.*, sec. 27.

²¹³ *Ibid.*, sec. 30.

²¹⁴ *Ibid.*, art. 5, sec. 17.

²¹⁵ 1 Rev. Stat. 1852; Burns 13-1001; Baldwin 13448.

²¹⁶ 1 Rev. Stat. 1852; Burns 13-1004; Baldwin 13453.

²¹⁷ 1 Rev. Stat. 1852; Burns 13-1002; Baldwin 13449.

²¹⁸ Acts 1909; Burns 13-1008; Baldwin 13460.

²¹⁹ Acts 1899; Burns 26-515; Baldwin 5379. "Requirements for Spending Public Money", *Thirty-Ninth Annual Conference of the State Board of Tax Commissioners and County Assessors of Indiana*, December 20, 21, 22, 1939 (Indianapolis, 1940), 8-14.

²²⁰ 1 Rev. Stat. 1852, ch. 6, sec. 1; ch. 20, secs. 13, 16, 17, 18, 21, 22.

²²¹ Acts 1899; Burns 26-515; Baldwin 5379.

ing instances: (a) Money belonging to the state and commanded by law to be paid into the state treasury; (b) money belonging to any school fund; (c) money belonging to any fund of any township, town, or city, and commanded by law to be paid to such municipality; (d) money, due to any person, which has been paid into the county treasury pursuant to public improvement assessments on persons or property of the county in territory less than the whole county; (e) money, due to any person, which has been paid into the treasury for redemption from any tax or other sale; or money so due that has been paid in pursuant to authority of law as a tender or payment to such person; (f) taxes erroneously paid; (g) funds received from the state or federal governments for welfare assistance or public work projects;²²² and (h) salaries fixed by law.²²³

Before the Thursday following the first Monday in August each year, the various officials of the county (including township trustees or assessors) submit to the auditor estimates of expenditures for the ensuing calendar year and estimates of probable revenue to be received from the state during that period. The estimates are kept on file in the auditor's office, subject to inspection by any taxpayer of the county. The auditor publishes notice of the aggregate amount of each of such estimates, and prepares an ordinance making an appropriation by items for the ensuing calendar year for the various purposes for which all of the estimates are required. At the annual meeting of the county council on the first Tuesday after the first Monday in September, the auditor submits all of the estimates to the county council and makes recommendations with reference thereto. The council, at that meeting, considers the estimates and the proposed ordinance, and makes such changes as deemed necessary. A three-fourths vote is required to make appropriation for any item not contained in any estimate or for a greater amount than that named in any item of any estimate. The ordinance making the appropriation for the ensuing year is adopted after being read on at least two separate days. This appropriation is called the annual county budget, and the estimates of expenditures and revenue are called budget estimates.²²⁴

²²² Acts 1899, 1935; Burns, 1939 suppl., 26-522; Baldwin, 1935 suppl., 5386.

²²³ Blue v. State ex rel. Powell (1936), 210 Ind. 436, 1 N. E. (2d) 122.

²²⁴ Acts 1899; Burns 26-516 to 26-520; Baldwin 5380 to 5384. Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1939 suppl., 64-1331, 64-1339; Baldwin, 1935 suppl., 15735, 15737-1.

If an emergency arising after the adjournment of the annual meeting requires funds supplementary to those originally included in the annual budget, additional appropriations may be made in an ordinance passed by a two-thirds vote of all the members of the council at a special meeting, after estimates are prepared and submitted in the manner required for annual estimates. If the aggregate amount of the requested appropriation exceeds \$15,000, the ordinance must be read on two separate days before passage.²²⁵ Such additional appropriations must be approved by the state board of tax commissioners.²²⁶

When any item of appropriation remains unexpended at the end of the calendar year for which it was appropriated, the amount thereof reverts to the general fund of the county, and no warrant can be drawn thereon. However, time for withdrawal is extended where payment was withheld during such year because of an injunction which was later dissolved.²²⁷ It is unlawful to overdraw the amount of any item of appropriation or to use the funds of any item for an unauthorized purpose.²²⁸

No county official or court has power to bind the county by any contract, express or implied, to any extent beyond the amount of money at the time already appropriated by ordinance for the purpose of the obligation attempted to be incurred.²²⁹

Appropriations can be made only by the passage of ordinances. *State ex rel. Davis v. Board of County Comrs.* (1905), 165 Ind. 262, 74 N. E. 1091.

The statutory provision requiring an ordinance for an appropriation to be read on two separate days is mandatory, and on failure to comply therewith the ordinance is invalid. *Van Der Veer v. State ex rel. Herron* (1929), 97 Ind. App. 1, 165 N. E. 265.

²²⁵ Acts 1937; Burns, 1939 suppl., 26-521; Baldwin, 1937 suppl., 5385.

The council's determination of emergency is not conclusive on the courts. *State ex rel. Kautz v. Board of County Comrs.* (1933), 204 Ind. 484, 184 N. E. 780.

The words "emergency growing out of a flood, fire, pestilence, war, or other major disaster" are used in Acts 1937; Burns, 1939 suppl., 64-312; Baldwin, 1937 suppl., 15897-6.

Provisions concerning poor relief and welfare services. Acts 1935; Burns, 1939 suppl., 52-174; Baldwin, 1935 suppl., 13320-31. Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1303; Baldwin, 1937 suppl., 14078-100.

²²⁶ Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1939 suppl., 64-1331; Baldwin, 1935 suppl., 15735.

²²⁷ Acts 1899, 1903, 1905; Burns 26-524; Baldwin 5388.

²²⁸ Acts 1899; Burns 26-523; Baldwin 5387. Acts 1899, 1935; Burns, 1939 suppl., 26-522; Baldwin, 1935 suppl., 5386.

²²⁹ Acts 1899; Burns 26-525, 26-527; Baldwin 5389, 5391.

TAXATION

The power of taxation is inherent in the state, and is a legislative power limited only by the provisions of the constitution.²³⁰ The constitution provides that "The General Assembly shall provide, by law, for a uniform and equal rate of assessment and taxation; and shall prescribe such regulations as shall secure a just valuation for taxation of all property, both real and personal, excepting such only for municipal, educational, literary, scientific, religious, or charitable purposes, as may be specially exempted by law."²³¹ This section applies only to a general assessment on property according to its value, and does not apply to excise taxes.²³² Exemptions are discussed hereinafter.

In Indiana there are poll taxes, excise taxes, and property taxes. A poll tax is a tax assessed on the person. An excise tax is a tax on privileges, and includes taxes on occupations, inheritance, sale of gasoline, and the like. Laws imposing excise taxes are sometimes called "internal revenue laws." The property tax (also known as ad valorem tax) is the tax on real and personal property based on value, and it constitutes the largest part of the county revenue. Property may be subject to an excise tax and also a property tax. Excise taxes administered by county officers are discussed hereinafter under the heading "Excise Taxes and Licensing."

In each township having a population not exceeding 5,000 (all townships except Black), the office of township assessor has been abolished, and the duties of such office are performed by the township trustee. Reference herein to the township assessor includes the township trustee performing the duties prescribed by statutes for township assessors.²³³

But lack of appropriation does not prevent entry of a judgment binding the county, where the court has jurisdiction of the parties and subject matter of the action. Acts 1899; Burns 26-527; Baldwin 5391. Board of County Comrs. v. McGregor (1909), 171 Ind. 634, 87 N. E. 1.

²³⁰ State *ex rel.* Goodman v. Halter (1897), 149 Ind. 292, 47 N. E. 665; Dunn v. Indianapolis (1935), 208 Ind. 630, 196 N. E. 528; Miles v. Department of Treasury (1935), 209 Ind. 172, 199 N. E. 372. "Taxation in Indiana the Last Forty-Eight Years", *Thirty-Eighth Annual Conference of the State Board of Tax Commissioners and County Assessors of Indiana, January 9, 10, 11, 1939* (1939), 75-89.

²³¹ Const. 1851, art. 10, sec. 1.

²³² State Bd. of Tax Comrs. v. Jackson (1931), 283 U. S. 527, 75 L. Ed. 1248, 51 Sup. Ct. 440; Miles v. Department of Treasury (1935), 209 Ind. 172, 199 N. E. 372; Davis v. Sexton (1936), 210 Ind. 138, 200 N. E. 233.

²³³ Acts 1933; Burns 64-1031; Baldwin 15664.

A poll tax is assessed on every male inhabitant of the state between the ages of 21 and 50 years, and every such person must be listed for his poll tax in the township, town, or city of his residence.²³⁴ Poll tax exemptions are allowed to volunteer firemen²³⁵ and former soldiers and sailors receiving service-connected disability compensation.²³⁶ Before 1919 the board of commissioners could grant poll tax exemptions because of inability to pay.²³⁷ The auditor certifies to the city officials the number of taxable polls therein,²³⁸ and adds omitted polls to the tax duplicate.²³⁹ Poll taxes are collected by the county treasurer. A poll tax receipt must be presented to any licensing authority to obtain an occupation license required by state law, a motor vehicle operator's or chauffeur's license, a motor vehicle license, or a certificate of title for a motor vehicle.²⁴⁰

The property tax laws are administered by the township assessors, county assessor, auditor, treasurer, board of review, county council, and board of tax adjustment, under the supervision of the state board of tax commissioners. The state board prescribes rules and regulations and advises with the subordinate tax officials. It makes original assessments of certain classes of property of railroads, telephone companies, and other public utilities,²⁴¹ and supervises and

²³⁴ Acts 1919; Burns 64-102; Baldwin 15515.

²³⁵ 1 Rev. Stat. 1852, ch. 41, sec. 3. Acts 1933, ch. 91, sec. 1. Acts 1935, ch. 302, sec.

1. Acts 1939; Burns, 1939 suppl., 48-6161; Baldwin, 1939 suppl., 12653-1.

²³⁶ Acts 1923; Burns 45-1210; Baldwin 10917. Acts 1919, 1920 (Spec. Sess.), 1921, 1923, 1937; Burns, 1939 suppl., 64-201, 64-220; Baldwin, 1937 suppl., 15518, 15515-1.

Before 1937 exemption was granted to all militiamen, soldiers, and sailors in active service. Acts 1919, 1920 (Spec. Sess.), 1921, 1923; Burns 64-201; Baldwin 15518.

²³⁷ 1 Rev. Stat. 1852, ch. 20, sec. 30 (repealed by Acts 1919, ch. 59, sec. 2). *Opinions of the Attorney General of Indiana, 1936*, (Indianapolis, 1937), 83.

²³⁸ Acts 1905, 1911; Burns 43-6703; Baldwin 11516.

²³⁹ Acts 1919; Burns 61-2102; Baldwin 15803.

²⁴⁰ Acts 1931; Burns 42-102 to 42-105; Baldwin 10499 to 10501, 10503.

²⁴¹ The state board of tax commissioners assesses property of the following companies: Railroad, telephone, express, telegraph, sleeping car, pipe line, car equipment (tank, refrigerator, freight), and "public utility" (heat, light, water, power, elevator, and warehouse service).

In case of railroads, the state board assesses the railroad track and the rolling stock. Local authorities assess personal property that has a fixed location and also real estate outside of the property denominated "railroad track."

The state board assesses the personal and intangible properties of the other specified companies. Their other property is assessed by local authorities.

reviews assessments, appropriations, and levies of the subordinate tax officials.²⁴²

The principal steps in property taxation, stated in their chronological order, are assessment, budget, levy, and collection. The assessment is the determination of what property is taxable and the value thereof. The budget is the appropriation of money for expenditures for the next calendar year. The levy is the charging of a certain amount of taxes against each \$100 of assessed valuation to raise the money required for the budget. The collection involves the voluntary payment and also proceedings to compel payment.

Assessment of real and personal property for county purposes also serves as the assessment for state, township, city, and town purposes.²⁴³ Personal property is assessed each year as of the first day of March.²⁴⁴ Though real estate is not re-assessed every year (the old assessment remaining in effect until changed), the lien for taxes thereon dates from March 1.²⁴⁵ All property, real and personal, is required to be assessed at the true cash value thereof.²⁴⁶ Since personal property and real property are assessed differently, they will be discussed separately, beginning with personal property.

Personal property must be listed for taxation between March 1 and May 15 each year, with reference to the quantity

Municipally owned utilities are assessed by the state board for state and county levies. Such utilities are not subject to township, school city, civil city, or other levies.

Car equipment companies pay a tax of two percent on their assessed value direct to the state department of treasury.

Except as to the car equipment companies, the assessment of the state board is certified to the county auditor who apportions it among the several townships, towns, and cities entitled to a levy thereon, and places such assessments on the tax duplicate; and thereafter the tax is collected by the county treasurer. Acts 1913, 1933; Burns 54-610 (d); Baldwin 14027 (d). Acts 1919, 1921, 1923, 1932 (Spec. Sess.); Burns 64-703 to 64-740; Baldwin 15617 to 15654. "State Board Assessments", *Thirty-Ninth Annual Conference of the State Board of Tax Commissioners and County Assessors of Indiana, December 20, 21, 22, 1939* (1940), 14-21.

²⁴² Acts 1919, 1920 (Spec. Sess.), 1921, 1923, 1925, 1927, 1931; Burns 64-1301 to 64-1338; Baldwin 15705 to 15737, 12490 to 12492, 12522, 12527. Acts 1935; Burns, 1939 suppl., 64-1313, 64-1321, 64-1324, 64-1325, 64-1331; Baldwin, 1935 suppl., 15717, 15725, 15728, 15729, 15735.

²⁴³ Acts 1919; Burns 64-2814; Baldwin 15877.

²⁴⁴ Acts 1919; Burns 61-103, 64-401, 64-403; Baldwin 15516, 15524, 15526.

²⁴⁵ Acts 1919, 1920 (Spec. Sess.); Burns 64-2825; Baldwin 15886.

²⁴⁶ Acts 1919; Burns 64-103, 64-1009; Baldwin 15516, 15675. Acts 1937; Burns, 1939 suppl., 64-1019b; Baldwin, 1937 suppl., 15685-2. "Uniformity of Assessments", *Thirty-Ninth Annual Conference of the State Board of Tax Commissioners and County Assessors of Indiana, December 20, 21, 22, 1939* (1940), 54-85.

and quality owned on March 1.²⁴⁷ Each township assessor calls on the taxpayers and furnishes them with blanks for listing personal property. The taxpayer must list, under oath, all personal property held, possessed, or controlled by him, and state what he deems the true cash value of each item. Ordinarily the valuation of the taxpayer is accepted if it is in reason, but the assessor may fix a different valuation. If no list is given by the taxpayer or if the assessor doubts the correctness of the list, he may examine, under oath, the taxpayer and other persons concerning such property, and set down and assess to such person such amount of personal property as he may deem just.²⁴⁸ If the taxpayer refuses to make a return or oath required by law, the assessor makes a note of such refusal, and the auditor adds 50 percent to the valuation returned by the assessor.²⁴⁹

After giving notice to the taxpayer, omitted personal property may be assessed by the township assessor,²⁵⁰ county assessor,²⁵¹ auditor,²⁵² or board of review;²⁵³ and appeal from such assessment may be taken to the circuit court, on the question of whether such omitted property is taxable.²⁵⁴

The county assessor advises and instructs all township assessors in the county; and for this purpose visits each township assessor during March and April each year. The county assessor endeavors to cause uniformity and equality of assessment by the several township assessors. The county assessor and the township assessors may be removed by the state board of tax commissioners for incompetency or neglect of duty.²⁵⁵

The board of review, after giving two weeks' notice, meets on the first Monday in June each year. The board

²⁴⁷ Acts 1919; Burns 64-401; Baldwin 15524.

²⁴⁸ Acts 1919; Burns 64-601 to 64-604, 64-610; Baldwin 15569 to 15572, 15578. "Revised Forms", *Thirty-Ninth Annual Conference of the State Board of Tax Commissioners and County Assessors of Indiana*, December 20, 21, 22, 1939 (1940), 22-30, 53, 54, 102, 103, 123-139.

²⁴⁹ Acts 1919; Burns 64-610; Baldwin 15578.

²⁵⁰ Acts 1919; Burns 64-1025; Baldwin 15692.

²⁵¹ Acts 1919; Burns 64-1102; Baldwin 15698.

²⁵² Acts 1919; Burns 64-1402, 64-2102; Baldwin 15739, 15803.

²⁵³ Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

²⁵⁴ Acts 1919, 1927; Burns 64-2103; Baldwin 15804.

This statement of the limitation on the scope of the appeal was suggested by Philip Zoercher, chairman of the state board of tax commissioners.

²⁵⁵ Acts 1919, 1921; Burns 64-1001, 64-1102; Baldwin 15666, 15698.

reviews the assessment of personal property, hears complaints of owners, reduces or increases valuations, equalizes valuations, corrects and completes the tax lists, and assesses omitted property. Notice must be given by the auditor to the owner before the board of review assesses omitted property or raises valuations.²⁵⁶ Any person dissatisfied with the decision of the board of review may appeal to the state board of tax commissioners. Hearings on such appeals are, when possible, held in the auditor's office in the county from which the appeal was taken. The amount fixed by the state board is the final assessment of such property.²⁵⁷

The county auditor, on or before March 1 each year, makes out and delivers to the township assessors lists of lands entered on the tax duplicates of the previous year, with notations thereon showing all transfers made subsequent to the duplicate and all new entries of land not previously entered for taxation.²⁵⁸

The auditor makes plats of the several townships showing ownership, improvements, and assessed valuation of the parcels of real estate therein. The township assessors write on such plats the ownership and value of each plot of ground and the improvements thereon, and the plat is kept up with all current transactions and transfers.²⁵⁹ For taxation purposes, the auditor keeps a transfer book, arranged by townships, cities, and towns, showing description of all lands conveyed by deed or partition, names of parties, and post-office addresses of grantees.²⁶⁰ On the death of a landowner, the heir or devisee may have the auditor make an entry on the tax duplicate to show the change of ownership.²⁶¹

Each township assessor is required to call on every person residing in his township for a list of lands owned by such person in such township subject to taxation. If such person fails to furnish such list within five days after being called on, as notified to do, the assessor may make the list according to the best information he can obtain, and the audi-

²⁵⁶ Acts 1919, 1920 (Spec. Sess.), Burns 64-1201; Baldwin 15700.

²⁵⁷ Acts 1919, 1935; Burns, 1939 suppl., 64-1321; Baldwin, 1935 suppl., 15725. State board of tax commissioners, tax rule 6.

²⁵⁸ Acts 1919, 1937; Burns, 1939 suppl., 64-1007; Baldwin, 1937 suppl., 15672.

²⁵⁹ *Ibid.*

²⁶⁰ Acts 1919; Burns 64-1403; Baldwin 15746.

²⁶¹ Acts 1921; Burns 64-519; Baldwin 14777.

tor must add 25 percent to the valuation of such lands as returned by the assessor.²⁶²

Each township assessor must, on or before the first Monday in June in each year, make out and deliver to the auditor, in a book furnished by the auditor, a return of the real estate listed, containing the names of property owners, description, and value of each parcel as determined by the assessor from actual view.²⁶³

Re-assessment of real estate can be made only when authorized by the state board of tax commissioners.²⁶⁴ The last general re-assessment of real estate in Indiana was made in 1932.²⁶⁵

Each person authorized to make assessment valuations of real estate for taxation is charged with the duty of correcting tax book errors as to description of property and name of owner. A notation is made showing any change of ownership since the last assessment. Each township assessor, after giving notice to the occupant of the land or the resident of the county claiming ownership, each year assesses any real estate or improvements found omitted, and makes a return thereof to the auditor as of the year when the same should have been first assessed.²⁶⁶ The county assessor,²⁶⁷ auditor,²⁶⁸ and board of review²⁶⁹ also have power to assess omitted real property after giving notice. The auditor makes assessment of any newly platted additions to any city or town.²⁷⁰ The assessments of omitted real property by the township assessors, county assessor, and auditor may be reviewed and revised at the next meeting of the board of re-

²⁶² Acts 1919; Burns 64-1008; Baldwin 15674. "Revised Forms", *Thirty-Ninth Annual Conference of the State Board of Tax Commissioners and County Assessors of Indiana, December 20, 21, 22, 1939* (1940), 22-30, 53, 54, 102, 103, 123-139.

²⁶³ Acts 1919; Burns 64-1016; Baldwin 15682.

²⁶⁴ Acts 1919, 1925, 1927, 1935, 1937; Burns, 1939 suppl., 64-1019; Baldwin, 1937 suppl., 15685. "Uniformity of Assessments", *Thirty-Ninth Annual Conference of the State Board of Tax Commissioners and County Assessors of Indiana, December 20, 21, 22, 1939* (1940), 54-85.

²⁶⁵ Interview of May 18, 1939 with Philip Zoercher, chairman of the state board of tax commissioners.

²⁶⁶ Acts 1919, 1925, 1927, 1935, 1937; Burns, 1939 suppl., 64-1019; Baldwin, 1937 suppl., 15685. Acts 1919; Burns 64-1025; Baldwin 15692.

²⁶⁷ Acts 1919; Burns 64-1102; Baldwin 15698.

²⁶⁸ Acts 1919; Burns 64-1402, 64-2102; Baldwin 15739, 15803.

²⁶⁹ Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

²⁷⁰ Acts 1919; Burns 64-1027; Baldwin 15691.

view.²⁷¹ The decision of the board of review in reviewing such assessment or in making an original assessment of omitted real property may be reviewed by the state board of tax commissioners in the manner provided for review of decisions concerning personal property, discussed above.²⁷² From any assessment of omitted real property, appeal may be taken to the circuit court on the question of such property's taxability.²⁷³

In case of flood, fire, or other disaster in which a substantial amount of property in any township has been partially or totally destroyed, the state board of tax commissioners must order a survey, determine the locality in which the property has been partially or totally destroyed, and order re-assessment of all or part of the property in such township.²⁷⁴

The state board, after March 31 of a year in which a general election is not held, may, without petition of taxpayers, order a hearing on the necessity of re-assessment for the whole state or for any of the counties or townships thereof. A hearing is held, after notice thereof, in each county in which the affected property is located. The board may then order re-assessment.²⁷⁵

Any person may, before March 31 in any year, file with the state board of tax commissioners a petition for re-assessment of his real estate. At the hearing, the petitioner must show cause for re-assessment. Other taxpayers may be heard in opposition. The board may then order the requested re-assessment. This is the only method for obtaining re-assessment of particular real estate.²⁷⁶

A petition for re-assessment of all real estate in a township, signed by the necessary percentage—it varies in different townships—of the resident owners of taxable real estate of such township and bearing a certificate of the auditor as to the required number of signers, may be filed with the state

²⁷¹ Acts 1919, 1920 (Spec. Sess.); Burns 64-1201, 64-1205; Baldwin 15700, 15704.

²⁷² Acts 1919, 1935; Burns, 1939 suppl., 64-1321; Baldwin, 1935 suppl., 15725. State board of tax commissioners, tax rule 6.

²⁷³ Acts 1919, 1927; Burns 64-2103; Baldwin 15804.

This statement of the limitation on the scope of the appeal was suggested by Philip Zoercher, chairman of the state board of tax commissioners.

²⁷⁴ Acts 1919, 1925, 1927, 1935, 1937; Burns, 1939 suppl., 64-1019(c); Baldwin, 1937 suppl., 15685(c).

²⁷⁵ Acts 1919, 1925, 1927, 1935, 1937; Burns, 1939 suppl., 64-1019(b); Baldwin, 1937 suppl., 15685(b).

²⁷⁶ Acts 1919, 1925, 1927, 1935, 1937; Burns, 1939 suppl., 64-1019(d); Baldwin, 1937 suppl., 15685(d).

board of tax commissioners before March 31, in any year in which there is no general election of state, county, or township officials. If it appears to the board that the petition is in proper order and that the present valuation is inequitable, the board will order re-assessment of all or part of the real estate in the township.²⁷⁷

Within 10 days after the valuation of real or personal property is determined by the board of review or state board of tax commissioners, the owner may appeal to the circuit court on questions of law concerning such valuation.²⁷⁸

There are a great many statutory provisions concerning exemptions from property taxes, and space will permit only a brief discussion thereof. The following property is exempt from property taxes: Property of the United States and the State of Indiana; property of any county, city, town, or township—except municipally owned utilities; lands granted for the use of the common schools; real and personal property (including dormitories) actually used by schools and colleges; property used (or devised to be used) exclusively for educational, literary, scientific, religious, or charitable purposes; property of agricultural associations, cemetery associations, and soldiers' and sailors' memorial associations; property of the American Legion, Young Men's Christian Association, Knights of Columbus, and similar associations; property of fraternal beneficiary associations, college fraternities, and college sororities; historical sites maintained for non-profit public exhibition; property used exclusively for the purpose of a public library; property owned and used exclusively by the Indiana National Guard or other military organization for armory purposes; bonds and notes issued by any municipality or taxing district of the state for certain purposes; and certain annuities payable by religious or charitable organizations.²⁷⁹ To obtain such exemptions, sworn statements must be filed with the auditor on or before the first day of March each year.²⁸⁰

Any Indiana resident owning real estate subject to mortgage may have the amount of the mortgage, not exceeding

²⁷⁷ Acts 1919, 1925, 1927, 1935, 1937; Burns, 1939 suppl., 64-1019(a); Baldwin, 1937 suppl., 15685(a).

²⁷⁸ Acts 1927; Burns 64-1020; Baldwin 15686.

²⁷⁹ Acts 1919, 1920 (Spec. Sess.), 1921, 1923, 1937; Burns, 1939 suppl., 64-201; Baldwin, 1937 suppl., 15518.

²⁸⁰ Acts 1937; Burns, 1939 suppl., 64-213; Baldwin, 1937 suppl., 15518-2.

\$1,000 and not exceeding one-half of the assessed valuation, existing and unpaid on the first day of March, deducted from the assessed valuation for that year, by filing with the auditor between the first day of March and the first Monday in May a sworn statement in the form required by law.²⁸¹

The county auditor, not later than September 1 each year, apportions the final assessment of real and personal property among the several taxing units of the county and certifies the same to the county, townships, cities, and towns for the purpose of making tax levies based thereon.²⁸²

The county council, at its annual meeting in August, adopts a budget, establishes the tax rate, and makes tax levies for the succeeding calendar year. The auditor then schedules the rates for the several municipal corporations in the county, verifies the figures and calculations, and reports the levies to the state board of tax commissioners.²⁸³

Appeal from the action of the county council may be taken to the state board of tax commissioners. That board, after hearing the objections, may affirm or decrease the total tax levy or any item thereof. The decision of the board, which is final and conclusive "with respect to said levies and such parts thereof as may have been in question", is certified to the auditor, and the auditor certifies it to the taxing units interested therein. When the state board orders a reduction in the levy, it indicates the items in the budget affected by such reduction; and this limits the expenditures for the year, except in cases of extraordinary emergency.²⁸⁴

The laws discussed in the next four paragraphs do not apply to levies and rates to meet the following liabilities: (a) Funding, refunding, or judgment funding obligations; (b) "outstanding obligations"; (c) judgments; (d) obligations issued to meet emergency growing out of flood, fire, pesti-

²⁸¹ Acts 1919, 1939; Burns, 1939 suppl., 64-209 to 64-211; Baldwin, 1939 suppl., 15565 to 15567. "Mortgage Deductions", *Thirty-Eighth Annual Conference of the State Board of Tax Commissioners and County Assessors of Indiana, January 9, 10, 11, 1939 (1939)*, 64-74.

Under the 1919 act, the owner was not required to be a resident of Indiana in order to obtain a mortgage exemption. Acts 1919; Burns 64-209; Baldwin 15565.

²⁸² Acts 1919, 1920 (Spec. Sess.); Burns 64-1329; Baldwin 15733.

²⁸³ Acts 1889; Burns 26-516 to 26-520; Baldwin 5380 to 5384. Acts 1920 (Spec. Sess.); Burns 64-1329; Baldwin 15733. Acts 1919; Burns 64-1330; Baldwin 15734. Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1939 suppl., 64-1331, 64-1339; Baldwin, 1935 suppl., 15735, 15737-1.

²⁸⁴ Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1939 suppl., 64-1331; Baldwin, 1935 suppl., 15735.

lence, war, or other major disaster; (e) obligations issued on petition under this act; (f) requirements of the county welfare fund for public welfare services. It is the duty of the county council to levy an amount sufficient to meet such purposes, regardless of any statutory provisions to the contrary.²⁸⁵

Except on authorization of the state board of tax commissioners, the total tax rate for all purposes cannot exceed \$1.25 on each \$100 of taxable property outside incorporated cities and towns or \$2 on each \$100 of taxable property inside incorporated cities and towns.²⁸⁶

At least two days before the second Monday in September, each municipal corporation²⁸⁷ of the county files with the county auditor a statement of the tax levies and rates for the ensuing year, fixed by such municipal corporation, and at least two copies of the budgets on which such levies are based.²⁸⁸ The board of tax adjustment meets on the second Monday of September each year. At the meeting, the auditor lays before the board these budgets, tax levies, and rates.²⁸⁹ It is the duty of the board of tax adjustment to examine, revise, change, or reduce (but not increase) any budget, tax levy, or rate, and to hold such budget within the total amount of revenue to be raised therefor from any source whatever. Any changes in budgets must be with respect to the total amounts budgeted for each office, and not to the detailed items included in such budgeted classifications. While the board of tax adjustment endeavors to keep the rates within the limits above stated, if it decides that such rates are inadequate, it certifies to the state board of tax commissioners its analysis and recommendations together with such data and facts as may be deemed essential to review. The state board (proceeding according to the provisions governing appeals) then reviews the budgets and may authorize rates beyond the said limits.²⁹⁰

If the board of tax adjustment does not complete its duties before October 2, or fails to reduce the aggregate

²⁸⁵ Acts 1937; Burns, 1939 suppl., 64-312, 64-313; Baldwin, 1937 suppl., 15897-6, 15897-7.

²⁸⁶ Acts 1937; Burns, 1939 suppl., 64-309; Baldwin, 1937 suppl., 15897-3.

²⁸⁷ The term "municipal corporation" includes counties, townships, cities, towns, school districts, and all taxing units within the state. Acts 1933; Burns 64-302; Baldwin 15893.

²⁸⁸ Acts 1937; Burns, 1939 suppl., 64-311; Baldwin, 1937 suppl., 15897-5.

²⁸⁹ Acts 1937; Burns, 1939 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.

²⁹⁰ Acts 1937; Burns, 1939 suppl., 64-311; Baldwin, 1937 suppl., 15897-5.

amount of the levies and rates to the said limits, then the auditor calculates and fixes the rates, so that the total tax rate on property within any municipal corporation does not exceed the statutory limits aforesaid (\$2 per \$100 in cities and towns and \$1.25 per \$100 in other places), and certifies his action to each municipal corporation before October 6. Before October 16, appeal to the state board of tax commissioners may be taken by the municipal corporation or by 10 or more taxpayers. On the hearing of such appeals, the state board "may revise, change, or increase" the levy and rate in respect to total amounts budgeted by each office or department, and not as to detailed items. The levy and rate must be kept within the limit originally fixed by the municipal corporation. The state board certifies its decision to the county auditor before December 1, if possible. The budget, levy, and rate thereby fixed are final.²⁹¹

After the budget, levy, and rate for each municipal corporation have been finally fixed and determined, as aforesaid, the appropriating body of each municipal corporation allocates the funds to be derived from such levy in such manner that the expenditures for the ensuing year will remain within the limitations as finally fixed in the manner stated in the two preceding paragraphs.²⁹²

If the county council determines that an emergency exists requiring expenditures for the current year not authorized by the budget as originally established, or as modified by the state board of tax commissioners, the council may make an additional appropriation and levy. The auditor then certifies the matter to the state board, and its decision thereon is final and conclusive.²⁹³

The auditor, between the first Monday in July and the last day of December, makes out and delivers to the treasurer a roll of taxes known and designated as the tax duplicate. This contains several columns, and shows the names of taxpayers in alphabetical order, lands and improvements, mortgage deductions, corporate stock, personal property, valuations, poll tax, assessments of omitted property, land transfers since the last assessment, and all alterations in the assessment lists made by the board of review or the state board of tax

²⁹¹ Acts 1937; Burns, 1939 suppl., 64-311, 64-314; Baldwin, 1937 suppl., 15897-5, 15897-8.

²⁹² Acts 1937; Burns, 1939 suppl., 64-315; Baldwin, 1937 suppl., 15897-9.

²⁹³ Acts 1899, 1907, 1913, 1937; Burns, 1939 suppl., 26-521; Baldwin, 1937 suppl., 5385. Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1939 suppl., 64-1331; Baldwin, 1935 suppl., 15735.

commissioners. He numbers each township, city, and town in regular progression. On or before January 1 the county auditor delivers to the auditor of state a complete abstract of all property listed in each township, city, and town, showing valuations, mortgage deductions, number of polls, the amount of each kind of tax, the aggregate thereof in the county, and the rate of each kind assessed. A copy of the abstract is delivered to the treasurer, and another copy is kept by the county auditor.²⁹⁴

Property taxes for state, county, township, city, and town purposes are payable to the county treasurer in two equal installments on or before the first Monday in May and the first Monday in November, respectively, in the year following the year for which the property was assessed. If any installment is not paid when it becomes due, such installment becomes delinquent, and a penalty of eight percent of such installment is added. An additional penalty of five percent is added to any tax for each year the tax remains unpaid after the first Monday in November of the year in which the delinquency accrued.²⁹⁵

It is the duty of the county treasurer to collect all such property taxes after they become delinquent. He may levy on personal property at any time after the tax becomes delinquent, or before delinquency if he has good reason to believe the taxpayer is about to leave the county without payment, and sell the same after 10 days' notice of the time and place of sale. Suit in the name of the treasurer may be brought by the prosecuting attorney to collect taxes. Real estate may be sold at a tax sale, on the second Monday in April, after advertisement, but not until 15 months have elapsed since delinquency. The purchaser of real estate at a tax sale receives from the auditor a tax certificate which describes the realty, states the amount paid by the purchaser, and states when a tax deed may be obtained by him.²⁹⁶ The owner or occupant of any land sold for taxes, or any other person having an interest therein, may redeem the same at any time within two years after the sale and at any time thereafter

²⁹⁴ Acts 1919; Burns 64-1403, 64-1408; Baldwin 15740, 15745.

²⁹⁵ Acts 1919; Burns 64-1502; Baldwin 15748. Acts 1932 (Spec. Sess.); Burns 64-1508; Baldwin 15751. Acts 1935; Burns, 1939 suppl., 64-1542, 64-1544; Baldwin, 1935 suppl., 15765-1, 15765-3.

²⁹⁶ Acts 1932 (Spec. Sess.); Burns 64-1509, 64-1511; Baldwin 15752, 15754. Acts 1919, 1931; Burns 64-1701 to 64-1705, 64-2201, 64-2203 to 64-2211; Baldwin 15778 to 15782, 15806, 15808 to 15818. Acts 1919, 1931, 1937; Burns, 1939 suppl., 64-2202; Baldwin, 1937 suppl., 15807.

before a tax deed is issued. Such deed may be issued at any time between two and four years after the tax sale. The redeemer must pay to the treasurer the amount paid by the purchaser (as shown in the tax certificate), plus the cost of sale, plus a penalty based on a percentage of the purchase price and cost of sale (10 percent if redeemed within six months after the sale, 15 percent if redeemed six months to one year after the sale, or 25 percent if redeemed more than one year after the sale), plus any subsequent taxes paid by the certificate holder, plus interest on such subsequent taxes at the rate of six percent per annum. No interest on such subsequent taxes can accrue later than two and one-half years after the tax sale. The money so received by the treasurer is paid by him to the holder of the redeemed tax certificate.²⁹⁷

EXCISE TAXES AND LICENSING

The tax on financial institutions is an excise tax²⁹⁸ (in lieu of all other taxes) on banks, trust companies, and building and loan associations. It is administered by the county auditor and treasurer under the supervision of the state board of tax commissioners.²⁹⁹

The inheritance tax is an excise tax administered by the county assessor and treasurer, under the supervision of the state board of tax commissioners, and by the circuit court. A schedule must be filed with the court within 12 months after the decedent's death. Notice is given to the interested parties, the estate is appraised, and the court determines the amount of tax due. The court appoints the county assessor to act as the appraiser in every estate; and he appraises all property at the fair market value, as of the date of the transfer.³⁰⁰ The appraiser makes his report in duplicate, one copy to the court and one to the state board of tax commissioners.³⁰¹ The treasurer collects the tax and issues a

²⁹⁷ Acts 1919, 1931; Burns 64-2301, 64-2401, 64-2403; Baldwin 15819, 15832, 15811. Interview of January 22, 1940 with E. P. Brennan, state examiner.

Infants, idiots, and insane persons may redeem their lands within two years after expiration of their legal incapacity. Acts 1919; Burns 64-2302; Baldwin 15820.

²⁹⁸ Lutz v. Arnold (1935), 208 Ind. 480, 193 N. E. 840.

²⁹⁹ Acts 1933; Burns 64-801 to 64-834; Baldwin 15582 to 15615.

³⁰⁰ Acts 1931, 1933; Burns 6-2408; Baldwin 15846. Acts 1931, 1933, 1937; Burns, 1939 suppl., 6-2407; Baldwin, 1937 suppl., 15945. "Inheritance Tax", *Thirty-Ninth Annual Conference of the State Board of Tax Commissioners and County Assessors of Indiana, December 20, 21, 22, 1939* (1940), 32-39

³⁰¹ Acts 1931; Burns 6-2410; Baldwin 15948.

receipt in duplicate, one copy of which is sent to the state board; and no final accounting of an estate is made until such receipt is countersigned by that board.³⁰² The county treasurer must report quarterly to the auditor of state all inheritance taxes received by him. All such collected taxes are transmitted by the county treasurer, through a warrant issued by the county auditor, to the treasurer of state.³⁰³ When directed by the court to do so, the prosecuting attorney sues to collect the tax.³⁰⁴

The intangible tax (excise tax)³⁰⁵ is a stamp tax on notes, stocks, bonds, and other evidence of property interests or obligations for payment of money. This tax is administered by the county assessor³⁰⁶ and treasurer, under the supervision of the state board of tax commissioners. Stamps are issued by the state board and sold by the county treasurer.³⁰⁷ The taxpayer is required to file with his tangible personal property schedule an affidavit showing that he has complied with the intangible tax law.³⁰⁸ If the tax is not paid when due, it is entered on the tax duplicate of the county where the taxpayer resides or his property is located. Omitted property may be assessed by any officer of the county having authority under the general taxing laws to assess omitted property or by the state board of tax commissioners.³⁰⁹ In case of non-payment, suit for collection may be brought by the prosecuting attorney or the attorney general.³¹⁰

The excise tax on dogs and dog kennels is administered by the township assessors and the county auditor. After making assessment of personal property for property taxes, each township assessor makes inquiry concerning dogs and kennels, collects the excise tax thereon for the ensuing year, and issues licenses and receipts. The county auditor collects the tax and issues licenses and receipts if the township assessor

³⁰² Acts 1931; Burns 6-2413; Baldwin 15951.

³⁰³ Acts 1931; Burns 6-2414; Baldwin 15952.

³⁰⁴ Acts 1931; Burns 6-2415; Baldwin 15953.

³⁰⁵ Lutz v. Arnold (1935), 208 Ind. 480, 193 N. E. 840.

³⁰⁶ Acts 1933; Burns 64-917; Baldwin 15915. Acts 1933, 1935; Burns, 1939 suppl., 64-906 Baldwin, 1935 suppl., 15904. "Valuation of Intangibles", *Thirty-Ninth Annual Conference of the State Board of Tax Commissioners and County Assessors of Indiana, December 20, 21, 22, 1939* (1940), 39-53.

³⁰⁷ Acts 1933; Burns 64-924, 64-927; Baldwin 15922, 15925.

³⁰⁸ Acts 1933; Burns 64-918; Baldwin 15916.

³⁰⁹ Acts 1933, 1935; Burns, 1939 suppl., 64-915; Baldwin, 1935 suppl., 15913.

³¹⁰ Acts 1933; Burns 64-921; Baldwin 15919.

fails to do so.³¹¹ The money so collected constitutes a fund known as the "dog fund", and is used to pay for damage to livestock caused by dogs. Dog funds exceeding \$100, over and above all warrants drawn on the same, in any township on the first Monday in March are transferred on the following Monday to townships in which the dog fund is less than the warrants drawn thereon.³¹²

The Posey Clerk of the Circuit Court issues licenses for marriages,³¹³ physicians, surgeons,³¹⁴ midwives,³¹⁵ osteopaths,³¹⁶ chiropractors, drugless healers,³¹⁷ dentists,³¹⁸ optometrists,³¹⁹ hunting, trapping, and fishing,³²⁰ poultry dealers,³²¹ and junk dealers.³²² He registers certificates of trained nurses.³²³ Formerly he issued liquor licenses,³²⁴ brokers' licenses,³²⁵ firearms permits,³²⁶ licenses for vet-

³¹¹ Acts 1937; Burns, 1939 suppl., 16-317; Baldwin, 1937 suppl., 3811-1.

³¹² Acts 1937; Burns, 1939 suppl., 16-324 to 16-326; Baldwin, 1937 suppl., 3811-8 to 3811-10.

³¹³ Rev. Stat. 1838, ch. 68, sec. 3. Rev. Stat. 1843, ch. 35, secs. 8, 9, 12. 1 Rev. Stat. 1852; Burns 44-201; Baldwin 5622.

³¹⁴ Acts 1881, ch. 19, secs. 10, 11. Acts 1885 (Spec. Sess.), ch. 77, sec. 2 (repealed by Acts 1897, ch. 169, sec. 10). Acts 1897; Burns 63-1303; Baldwin 10705.

³¹⁵ Acts 1897; Burns 63-1309; Baldwin 10709.

³¹⁶ Acts 1901; Burns 63-1316; Baldwin 10716.

³¹⁷ Acts 1927; Burns 63-1312; Baldwin 10713.

³¹⁸ Acts 1899, ch. 211, secs. 5, 7 to 11. Acts 1913, 1931, 1935; Burns, 1939 suppl., 63-504; Baldwin, 1935 suppl., 5589. Acts 1913, 1931; Burns 63-506, 63-507; Baldwin 5591, 5592.

³¹⁹ Acts 1907; Burns 63-1009; Baldwin 13180. Acts 1907, 1935; Burns, 1939 suppl., 63-1010, 63-1011; Baldwin, 1935 suppl., 13181, 13182.

³²⁰ Acts 1901, ch. 203, sec. 13. Acts 1907, ch. 216, sec. 9. Acts 1911, ch. 286, secs. 1, 2. Acts 1927, 1933; Burns 11-302, 11-310; Baldwin 8302, 8309. Acts 1937; Burns, 1939 suppl., 11-1403; Baldwin, 1937 suppl., 8229-3.

The cited sections of the Acts of 1901, 1911, 1927, and 1933 were repealed by Acts 1937, ch. 21, sec. 161.

³²¹ Acts 1917, 1929, 1932 (Spec. Sess.); Burns 42-802; Baldwin 10486.

³²² Acts 1905; Burns 42-703; Baldwin 10462.

³²³ Acts 1905, 1913, 1931; Burns 63-903; Baldwin 13036.

³²⁴ This duty existed from the organization of the county until 1841 and from 1917 to 1933. Acts 1807, ch. 17, secs. 1, 4. Acts 1813, ch. 3, sec. 2. Acts 1816-17, ch. 15, sec. 6. Acts 1817-18 (general), ch. 47, secs. 1, 2. Acts 1820-21, ch. 36, secs. 1, 2. Rev. Laws 1824, ch. 15, sec. 5; ch. 16, sec. 6. Rev. Laws 1831, ch. 20, sec. 6. Rev. Stat. 1838, ch. 21, sec. 6; ch. 105, secs. 1-10. Acts 1840-41 (general), ch. 2, secs. 8, 54. Acts 1917, ch. 4, secs. 6, 7, 12. Acts 1925, ch. 48, secs. 10, 11. Acts 1933, ch. 79, sec. 1.

³²⁵ Acts 1840-41 (general), ch. 5, sec. 18.

³²⁶ Acts 1913, ch. 167, sec. 1 (repealed by Acts 1917, ch. 125, sec. 6). Acts 1925, 1929; Burns 10-4721, 10-4723, 10-4725; Baldwin 2557, 2559, 2561 (all repealed by Acts 1935, ch. 63, sec. 21).

erinarrians,³²¹ stallions,³²⁸ and petty money lenders,³²⁹ and kept a register of certificates of agents of foreign insurance companies.³³⁰

The county auditor issues licenses for peddlers, shows, theaters,³³¹ transient merchants,³³² public warehouses,³³³ and ferries.³³⁴ He issued liquor licenses before 1917.³³⁵ The board of commissioners authorizes the issuance of ferry licenses,³³⁶ and before 1917 authorized the issuance of liquor licenses.³³⁷

³²⁷ Acts 1901, ch. 189, sec. 7 (repealed by Acts 1905, ch. 98, sec. 17).

³²⁸ Acts 1389, ch. 116, sec. 1 (superseded by Acts 1913, ch. 28, creating the stallion enrollment board).

³²⁹ Acts 1913, ch. 167, secs. 1 to 4 (repealed by Acts 1917, ch. 125, sec. 6).

³³⁰ Acts 1901, ch. 180, sec. 1 (repealed by Acts 1935, ch. 162, sec. 276). Acts 1903, ch. 66, sec. 1 (repealed by Acts 1935, ch. 162, sec. 276). Acts 1865, 1877, 1899; Burns 39-1701; Baldwin 9567 (repealed by Acts 1935, ch. 162, sec. 276).

³³¹ Acts 1917, 1937; Burns, 1939 suppl., 42-201; Baldwin, 1937 suppl., 10443. 1 Rev. Stat. 1852; Burns 42-204; Baldwin 10447. Acts 1901; Burns 42-502, 42-503; Baldwin 10470-1, 10471. Acts 1895; Burns 42-510; Baldwin 10478.

³³² Acts 1901; Burns 42-402; Baldwin 10491.

The auditor keeps a record of such licenses in a book provided for that purpose, and it is open for public inspection. *Ibid.*

³³³ Acts 1875, 1879 (Spec. Sess.); Burns 67-201; Baldwin 16206.

³³⁴ Rev. Stat. 1838, ch. 41, secs. 1-4, 8, 11. Acts 1840-41 (general), ch. 2, secs. 8, 54. Rev. Stat. 1843, ch. 7, secs. 5, 16, 17, 53; ch. 17, secs. 1-23. 1 Rev. Stat. 1852; Burns 26-611, 26-621, 49-5004; Baldwin 5226, 5238, 5418. Acts 1881 (Spec. Sess.), 1911; Burns 36-2501 to 36-2504; Baldwin 7676 to 7679. 1 Rev. Stat. 1852, Acts 1855; Burns 36-2601 to 36-2607; Baldwin 7691 to 7697. Acts 1881 (Spec. Sess.), 1897; Burns 36-2608 to 36-2618; Baldwin 7698 to 7708. Acts 1917, 1937; Burns, 1939 suppl., 42-201; Baldwin, 1937 suppl., 10443.

³³⁵ Rev. Stat. 1838, ch. 105, secs. 1-10. Acts 1840-41 (general), ch. 2, secs. 8, 54. Rev. Stat. 1843, ch. 59, sec. 15. 1 Rev. Stat. 1852, ch. 8, sec. 3; ch. 20, secs. 7, 14; ch. 92, sec. 1. Acts 1853, ch. 66, secs. 1-4. Acts 1855, ch. 105, secs. 4-8; ch. 106, secs. 1, 2. Acts 1858 (Spec. Sess.), ch. 15. Acts 1859, ch. 130, secs. 1-7. Acts 1873, ch. 59, secs. 1-5, 20. Acts 1875 (Spec. Sess.), ch. 13, secs. 1-9, 21. Acts 1905, ch. 6, sec. 1. Acts 1905, ch. 127, secs. 1, 8-10. Acts 1897, ch. 167, secs. 1-3. Acts 1905, ch. 6, sec. 1. Acts 1911, ch. 119, secs. 3-8, 16, 28; ch. 148, secs. 1, 2, 7-9, 11. Acts 1915, ch. 10, sec. 1. Acts 1917, ch. 4, secs. 4, 40.

³³⁶ Acts 1807, ch. 33 (misnumbered 31), secs. 1, 6; ch. 51, sec. 14. Acts 1816-17, ch. 29, sec. 2. Rev. Stat. 1838, ch. 41, secs. 1-4, 8, 11. Rev. Stat. 1843, ch. 17, secs. 1-23. Acts 1881 (Spec. Sess.), 1911; Burns 36-2501 to 36-2504; Baldwin 7676 to 7679. 1 Rev. Stat. 1852, Acts 1855; Burns 36-2601 to 36-2607; Baldwin 7691 to 7697. Acts 1881 (Spec. Sess.), 1897; Burns 36-2608 to 36-2618; Baldwin 7698 to 7708. Acts 1917, 1937; Burns, 1939 suppl., 42-201; Baldwin, 1937 suppl., 10443.

³³⁷ Acts 1807, ch. 17, secs. 1, 4. Acts 1813, ch. 3, sec. 2. Acts 1817-18 (general), ch. 47, secs. 1, 2. Rev. Stat. 1838, ch. 105, secs. 1-10. Rev. Stat. 1843, ch. 59, sec. 15. 1 Rev. Stat. 1852,

FEES

The laws provide for the charging of fees by various county officials. Salaried officials cannot disburse their fees for office expense, or retain the fees or interest thereon as compensation, unless a statute specifically authorizes them to do so. Such fees must be paid into the county treasury. The officer cannot draw any salary while illegally withholding fees.³³⁸

County officials may charge and collect only such fees as are allowed by statute.³³⁹ If an officer collects illegal fees, the county cannot recover them from him, since they belong to the person paying the same.³⁴⁰ If the officer unlawfully refuses to pay over fees collected by him, an action lies on his bond;³⁴¹ and if he pays over fees which he is entitled to retain, he may sue to recover the same.³⁴²

All officers are required to keep complete records of all fees received from any source whatever. Such records are subject to public inspection at any time, and must be examined by the board of commissioners at their meetings.³⁴³

The clerk of the circuit court, treasurer, sheriff, and recorder must make reports of fees to the auditor quarterly and at the expiration of their terms of office. The treasurer also makes a monthly report of fees to the auditor.³⁴⁴

ch. 92, sec. 1. Acts 1853, ch. 66, sec. 8. Acts 1855, ch. 105, secs. 4-8; ch. 106, sec. 4. Acts 1853 (Spec. Sess.), ch. 15. Acts 1859, ch. 130, secs. 1-7. Acts 1873, ch. 59, secs. 1-5, 20. Acts 1875 (Spec. Sess.), ch. 12, secs. 1-9, 21. Acts 1905, ch. 6, sec. 1. Acts 1895, ch. 127, secs. 1, 8-10. Acts 1897, ch. 167, secs. 1-3. Acts 1905, ch. 6, sec. 1. Acts 1911, ch. 119, secs. 3-8, 16, 23; ch. 148, secs. 1, 2, 7-9, 11. Acts 1915, ch. 10, sec. 1. Acts 1917, ch. 4, secs. 4, 40.

³³⁸ Acts 1933; Burns 49-1001, 49-1005; Baldwin 7531, 7535. Acts 1895; Burns 49-1410; Baldwin 7585. *Keifer v. Summers* (1894), 137 Ind. 106, 35 N. E. 1103; *Applegate v. State ex rel. Pettijohn* (1933), 205 Ind. 122, 185 N. E. 911; *Board of County Comrs. v. Lewis* (1924), 81 Ind. App. 601, 144 N. E. 623.

³³⁹ *Noble v. Board of County Comrs.* (1885), 101 Ind. 127; *Legler v. Paine* (1896), 147 Ind. 181, 45 N. E. 604.

³⁴⁰ *State ex rel. Board of County Comrs. v. Williams* (1906), 39 Ind. App. 376, 77 N. E. 1137.

³⁴¹ Acts 1883; Burns 49-142; Baldwin 13094. *Workman v. State ex rel. Board of County Comrs.* (1905), 165 Ind. 42, 73 N. E. 917.

³⁴² *Board of County Comrs. v. Crone* (1905), 36 Ind. App. 283, 75 N. E. 826.

³⁴³ Acts 1895; Burns 49-1401, 49-1403; Baldwin 7576, 7584. Acts 1879 (Spec. Sess.); Burns 49-2723; Baldwin 1443. Acts 1909; Burns 60-213; Baldwin 13864.

³⁴⁴ Acts 1885, 1903, 1913; Burns 49-1402; Baldwin 7577. 2 Rev. Stat. 1852, Acts 1891; Burns 49-2710; Baldwin 1437. Acts 1919; Burns 64-2101; Baldwin 15802.

The clerk of the circuit court annually delivers to the auditor a list of all fines and jury fees collected during the preceding year, and also a list of all fees in his hands which have remained unclaimed for two years. The auditor enters such lists in the order book (commonly called the "Commissioners' Record") of the board of commissioners and issues a quietus for the items of such lists which have been paid over to the county treasurer.³⁴⁵

FUNDS RECEIVED FROM THE STATE

The counties receive from the state a portion of the funds in the motor vehicle highway account of the state. This account is composed of excise taxes on motor vehicle fuel, motor vehicles, operators, and chauffeurs.³⁴⁶ The portion allotted to the counties is distributed on the basis of vehicular miles of county roads in each county as compared with the total in all counties. The 1937 law recites that there are 30,421 miles in Posey County and 4,536,856 miles in all of the counties, but provision is made for a re-count by the state highway commission and a change in allocation based thereon.³⁴⁷ Such funds are used by the county for construction and maintenance of county roads; and 20 percent of such funds may be used to pay off outstanding county unit road bonds.³⁴⁸

The counties receive from the state a portion of the license fees on liquor dealers. Distribution of such portion among the counties is based on the amount paid in for licenses with respect to dealers' premises located outside cities and towns in each county, as compared with the total for such areas in all counties.³⁴⁹

The counties receive a portion of the intangible tax. Distribution of such portion among the counties is based on the assessed valuation of the real property in each county, as compared to the total in all counties. One-fourth of the amount received by the county goes into the general fund of

³⁴⁵ Acts 1841-42 (general), ch. 45, sec. 3. 2 Rev. Stat. 1852, Acts 1891; Burns 49-2710; Baldwin 1437.

³⁴⁶ Acts 1937; Burns, 1939 suppl., 36-2801; Baldwin, 1937 suppl., 8695-1.

³⁴⁷ Acts 1937; Burns, 1939 suppl., 36-2808; Baldwin, 1937 suppl., 8695-8.

³⁴⁸ Acts 1937, 1939; Burns, 1939 suppl., 36-2804 to 36-2806; Baldwin, 1939 suppl., 8695-4; Baldwin, 1937 suppl., 8695-5, 8695-6.

³⁴⁹ Acts 1935, 1937, 1939; Burns, 1939 suppl., 12-505, 12-811; Baldwin, 1939 suppl., 3764-7, 3764-40(f).

the county; and the remainder goes to the school funds of the township, city, and town taxing units within the county, on a basis of valuation of the real property in each unit.³⁵⁰

Each county receives from the state, as reimbursement, about 81 percent of the money spent by the county for welfare assistance.³⁵¹

Distribution of the income from the common school fund surplus by the state to the several counties for school purposes is based on the average daily attendance of children in grades one to 12 in the schools of the respective counties.³⁵² School funds are discussed hereinafter under the heading "Education."

CLAIMS AND ALLOWANCES

Claims against the county, duly itemized and verified, in writing on forms furnished by the board of commissioners, may be filed with the auditor, who places them on the claim docket and thereafter presents them to the board for decision. At a regular or special session of the board of commissioners, beginning at least five days after the docketing of the claim and three days after publication of notice by the auditor, the commissioners must examine the merits of the claim and may, in their discretion, allow it, in whole or in part, as they find it to be just and owing.³⁵³ The board cannot allow a claim that it previously disallowed.³⁵⁴

A claim for materials and supplies will not be allowed unless accompanied by a certificate of the auditor showing that the goods mentioned in the claim correspond in quality and prices with the contract.³⁵⁵ A claim on a contract for work to be conducted under the supervision of the county surveyor, or any architect, engineer, superintendent, or inspector appointed by the board of commissioners, must be accompanied by a certificate of the surveyor or such agent, showing that

³⁵⁰ Acts 1933; Burns 64-822; Baldwin 15920.

³⁵¹ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1405, 52-1412; Baldwin, 1937 suppl., 14078-117, 14078-124. This percentage was stated by the auditor of state in an interview on March 31, 1939.

³⁵² Acts 1865, 1893, 1932 (Spec. Sess.), 1933; Burns 28-1013; Baldwin 6490.

³⁵³ Acts 1899; Burns 26-538, 26-804; Baldwin 5403, 5256. Acts 1879 (Spec. Sess.); Burns 26-805, 26-807; Baldwin 5256. Acts 1897; Burns 26-806, 26-809; Baldwin 5260, 5257. Acts 1931; Burns 26-816 to 26-819; Baldwin 5268 to 5271.

³⁵⁴ Myers v. Gibson (1939), 152 Ind. 500, 53 N. E. 646.

³⁵⁵ Acts 1899; Burns 26-538; Baldwin 5403.

the work therein mentioned was performed according to contract and that the amount claimed is due and owing by the terms of the contract.³⁵⁶ A claim based on a judgment or order of a court must be accompanied by a certified copy of such judgment or order.³⁵⁷

For the amount allowed by the board of commissioners, the auditor, after appropriation by the county council, issues a warrant which is countersigned by the treasurer and paid by the treasurer or a public depository designated thereon by him.³⁵⁸ An allowance not called for within five years may be cancelled.³⁵⁹ Preference in payment is given to claims for money advanced by any county officer for the use of the county pursuant to provisions of law or of any order of the board.³⁶⁰ However, no allowance can be made by the board of commissioners to one of its members for articles furnished by him to the county under a contract or otherwise.³⁶¹

Any person feeling aggrieved by any decision of the board on any claim may appeal to the circuit court. In case of disallowance in whole or in part, the claimant may appeal as aforesaid or bring an independent suit against the board. The claimant must pay the costs of the appeal if he does not recover more on the appeal than was allowed by the board.³⁶² No complaint other than the claim (including certificates and exhibits, if any) presented to the board is required on appeal.³⁶³ If the board allows only a part of the claim, and the claimant accepts payment of the amount allowed, he cannot bring suit for the remainder.³⁶⁴

In pursuance of appropriations by the county council,³⁶⁵ courts make allowances against the county for expense of administration of justice.³⁶⁶ Such allowances include fees of

³⁵⁶ Acts 1899; Burns 26-539; Baldwin 5404.

³⁵⁷ Acts 1911; Burns 26-814; Baldwin 5265.

³⁵⁸ Acts 1911; Burns 26-813, 26-814; Baldwin 5264, 5265. Acts 1937; Burns, 1939 suppl., 61-627; Baldwin, 1937 suppl., 13844-48.

³⁵⁹ Acts 1879 (Spec. Sess.); Burns 26-815; Baldwin 5273.

³⁶⁰ 1 Rev. Stat. 1852; Burns 26-802; Baldwin 5252.

³⁶¹ Waymire v. Powell (1886), 105 Ind. 328, 4 N. E. 886.

³⁶² Acts 1879 (Spec. Sess.), 1885; Burns 26-820; Baldwin 5275.

³⁶³ Board of County Comrs. v. Wertz (1887), 112 Ind. 268, 13 N. E. 874.

³⁶⁴ Western Constr. Co. v. Board of County Comrs. (1912), 178 Ind. 684, 98 N. E. 347.

³⁶⁵ Acts 1889; Burns 26-515, 26-527; Baldwin 5379, 5391.

³⁶⁶ Acts 1879 (Spec. Sess.); Burns 49-1432, 49-1434; Baldwin 13127, 13128.

Change of venue from county. Acts 1905; Burns 9-1312 to 9-1315; Baldwin 2233 to 2236.

Blank books and stationery. 2 Rev. Stat. 1852; Burns 49-2709; Baldwin 1436.

witnesses,³⁶⁷ jurors,³⁶⁸ master commissioners,³⁶⁹ sheriffs,³⁷⁰ bailiffs,³⁷¹ and salary of the court reporter³⁷² and his fees covering transcripts for poor persons.³⁷³

Within 10 days after adjournment of the session of the board of commissioners or of the court, at which allowances against the county are made, the auditor publishes notice showing all allowances made by the board or court. A warrant on an allowance by a court cannot be issued until three days after such publication.³⁷⁴

CUSTODY AND DISBURSEMENT OF FUNDS

The treasurer receives all money coming to the county, and disburses it on proper warrants (formerly called orders) issued by the auditor and countersigned by the treasurer.³⁷⁵

The board of finance has supervision of all public funds of the county and of the safekeeping and deposit thereof.³⁷⁶ The board designates depositories for public funds, after inviting and receiving proposals from banks and trust companies. The commission of a depository may be revoked by the board at any time.³⁷⁷ The resignation of a depository becomes effective 30 days after notice thereof to the board.³⁷⁸ Monthly statements are furnished by the depository to the board on or before the fifth day of each month, and are preserved in the office of the board.³⁷⁹ All public funds paid into the county treasury must be deposited by the treasurer daily, in the name of the county, in one or more of such

³⁶⁷ 1 Rev. Stat. 1852; Burns 9-2403; Baldwin 1306.

³⁶⁸ Acts 1881 (Spec. Sess.), 1913, 1927, 1933; Burns 4-3319; Baldwin 1277.

³⁶⁹ Acts 1881 (Spec. Sess.), 1903; Burns 4-3407; Baldwin 1286.

³⁷⁰ Acts 1895, 1905, 1915, 1919; Burns 49-1311; Baldwin 7570.

Change of venue from county. Acts 1905; Burns 9-1315; Baldwin 2236.

³⁷¹ Acts 1921, 1935; Burns, 1939 suppl., 4-3107; Baldwin, 1935 suppl., 1256. Acts 1895, 1905, 1915, 1919; Burns 49-1311; Baldwin 7570. 2 Rev. Stat. 1852; Burns 49-2804; Baldwin 5496.

³⁷² Acts 1921, 1939; Burns, 1939 suppl., 4-2507; Baldwin, 1939 suppl., 1298-1.

³⁷³ Acts 1893; Burns 4-3511; Baldwin 1300.

³⁷⁴ Acts 1899; Burns 26-816; Baldwin 5268. Acts 1921; Burns 26-817; Baldwin 5269.

³⁷⁵ Acts 1899, 1935; Burns, 1939 suppl., 26-522; Baldwin, 1935 suppl., 5326. 1 Rev. Stat. 1852; Burns 49-3103; Baldwin 5530. Acts 1937; Burns, 1939 suppl., 61-627; Baldwin, 1937 suppl., 13844-48.

³⁷⁶ Acts 1937; Burns, 1939 suppl., 61-629; Baldwin, 1937 suppl., 13814-50.

³⁷⁷ Acts 1937; Burns, 1939 suppl., 61-634 to 61-636; Baldwin, 1937 suppl., 13844-55 to 13844-57.

³⁷⁸ Acts 1937; Burns, 1939 suppl., 61-640; Baldwin, 1937 suppl., 13844-61.

³⁷⁹ Acts 1937; Burns, 1939 suppl., 61-633; Baldwin, 1937 suppl., 13844-59.

designated depositories. On or before the fifth day of each month, the treasurer must file with the secretary of the board a statement of the balance of funds at the end of the previous month, consistent with the statement furnished by the depository.³⁸⁰ The treasurer deposits quarterly with the auditor all redeemed warrants.³⁸¹

When the auditor draws a warrant, he charges it against the appropriation and particular fund under which it was drawn. Apportionment is made if more than one fund or appropriation is involved.³⁸² Records of the warrants are kept in the manner prescribed by the state board of accounts. Formerly the number, date, amount, name of payee, and purpose of the warrant were entered in a book as prescribed by statute.³⁸³ The auditor examines and settles all accounts and demands chargeable against the county which no law requires to be settled and allowed by some other tribunal or person.³⁸⁴ Before issuing a warrant or quietus, the auditor must examine the account to ascertain whether it is correct and in proper form; and for this purpose may require the furnishing of information, vouchers, and exhibits sufficient to satisfy himself.³⁸⁵

On claims (including claims on judgments) allowed by the board of commissioners, and on allowances made by courts for the cost of administration of justice, the auditor issues his warrant. But a warrant may be issued to pay a judgment, or for insanity inquests, salaries, management of the school fund, or for other liabilities for specific amounts fixed by law, when no allowance has been made as aforesaid.³⁸⁶ Warrants not called for within five years after the allowance of claims on which they were drawn may be cancelled by the board of commissioners, if not called for after publication of notice.³⁸⁷

³⁸⁰ Acts 1937; Burns, 1939 suppl., 61-624; Baldwin, 1937 suppl., 13344-45.

³⁸¹ 1 Rev. Stat. 1852; Burns 49-3114; Baldwin 5561. Interview of May 18, 1939 with E. P. Brennan, state examiner.

³⁸² Acts 1899; Burns 26-544; Baldwin 5409.

³⁸³ 1 Rev. Stat. 1852; Burns 49-3005; Baldwin 5419. Acts 1900; Burns 60-202; Baldwin 13855. Interview of August 15, 1939 with E. P. Brennan, state examiner.

³⁸⁴ 1 Rev. Stat. 1852; Burns 49-3005; Baldwin 5419.

³⁸⁵ Acts 1900; Burns 60-215; Baldwin 13866.

³⁸⁶ Acts 1897; Burns 26-609; Baldwin 5257. Acts 1911; Burns 26-813, 26-814; Baldwin 5264, 5265. 1 Rev. Stat. 1852; Burns 49-3005; Baldwin 5419. *Blue v. State ex rel. Powell* (1936), 210 Ind.

486, 1 N. E. (2d) 122.

³⁸⁷ Acts 1879 (Spec. Sess.); Burns 26-815; Baldwin 5273.

Warrants drawn by the auditor on the treasurer must be accompanied by a carbon copy thereof, except in the case of state and township funds. If funds are available to pay the warrant, the treasurer, on presentation to him, detaches and retains the carbon copy, and countersigns the original and stamps thereon the name of the depository by which it is payable. The original warrant is delivered to the payee, and the amount thereof is paid to the payee by the depository on presentation and surrender of the warrant. For the convenience of the payee, the treasurer may pay cash to the holder, on taking an assignment of the warrant, in which event such warrant will be deposited by the treasurer in the depository in lieu of cash.³⁸⁸ The treasurer must deduct any delinquent taxes owing by the payee.³⁸⁹ If no funds are available to pay the warrant, the treasurer endorses thereon the words "not paid for want of funds" and the date of such presentment; and thereafter the warrant draws legal interest. Interest ceases when funds become available for payment and the treasurer or auditor publishes a call for redemption.³⁹⁰ Outstanding warrants are redeemed by the treasurer according to priority of time of presentment. Such warrants must be received in payment of county taxes without regard to such priority.³⁹¹ When the treasurer redeems a warrant on which interest is due, he makes a notation thereon, and also in his account, showing the amount of interest paid.³⁹²

Every public officer who receives or distributes public funds must keep a cashbook wherein are entered daily, by item, all receipts of public funds. The book must be balanced daily, show funds on hand at the close of each day, and be kept open to public inspection.³⁹³ The treasurer keeps records of all receipts and disbursements in a general account, and also in separate accounts for the separate appropriations and distinct funds. Current taxes are not entered on his account with the county until after his annual statement.³⁹⁴ At the

³⁸⁸ 1 Rev. Stat. 1852; Burns 49-3111; Baldwin 5558. Acts 1937; Burns, 1939 suppl., 61-627; Baldwin, 1937 suppl., 13844-48.

³⁸⁹ Acts 1919; Burns 64-1506; Baldwin 15768.

³⁹⁰ Acts 1889; Burns 49-3007, 49-3008; Baldwin 5420, 5421. 1 Rev. Stat. 1852; Burns 49-3111; Baldwin 5558.

³⁹¹ 1 Rev. Stat. 1852; Burns 49-3113; Baldwin 5560.

³⁹² 1 Rev. Stat. 1852; Burns 49-3112; Baldwin 5559.

³⁹³ Acts 1937; Burns, 1939 suppl., 61-623; Baldwin, 1937 suppl., 13844-44.

³⁹⁴ 1 Rev. Stat. 1852; Burns 49-3109; Baldwin 5554.

end of March, June, September, and December, the treasurer makes out a report showing the amount of money in the county treasury and each distinct fund thereof. The report is examined by the board of commissioners at its next regular session.³⁹⁵

The treasurer gives a receipt for all money paid to him, which receipt (except for taxes) must be deposited by the payer with the auditor, who gives a quietus for the same.³⁹⁶

The board of commissioners, at its first regular session each year, makes out a statement of the receipts and expenditures for the previous calendar year, and causes it to be published and posted.³⁹⁷ The treasurer makes complete settlements with the board of commissioners at its January session each year.³⁹⁸ Settlements by the board of commissioners are not binding on the county where the officer has failed to account for any money received by virtue of his office or failed to perform any duty required of him by law.³⁹⁹

All taxes collected by the treasurer must be deposited in the depository as one fund, except when otherwise provided by law. Semiannually the treasurer settles with the state and the municipal corporations of the county for taxes collected for them. Before such settlements, he advances not exceeding 80 percent when request by the proper officer is made to the auditor and a warrant is drawn by him.⁴⁰⁰

From time to time without notice, the books and accounts of county officers are audited by the state examiner. Before 1909 the judge of the circuit court examined the office of the clerk of the circuit court and reported thereon to the board of commissioners; and the board of commissioners examined other county offices.⁴⁰¹

³⁹⁵ Acts 1885, 1913; Burns 49-1403; Baldwin 7578.

³⁹⁶ 2 Rev. Stat. 1852, Acts 1891; Burns 49-2710; Baldwin 1437. 1 Rev. Stat. 1852; Burns 49-3104; Baldwin 5551.

³⁹⁷ Acts 1899; Burns 26-546; Baldwin 5411.

³⁹⁸ Acts 1899; Burns 26-531; Baldwin 5395.

Formerly the settlement was made in June. 1 Rev. Stat. 1852; Burns 49-3116; Baldwin 5563.

The state board of accounts now requires that settlements be recorded in the monthly balance record of the auditor and treasurer. Interview of May 18, 1939 with E. P. Brennan state examiner.

Formerly the settlements were recorded in the order book (commonly called the "Commissioners' Record") of the board of commissioners. Acts 1899; Burns 26-531; Baldwin 5395.

³⁹⁹ Acts 1879 (Spec. Sess.); Burns 26-637; Baldwin 5341.

⁴⁰⁰ Acts 1937; Burns, 1939 suppl., 61-626; Baldwin, 1937 suppl., 13844-47.

⁴⁰¹ 1 Rev. Stat. 1852, Acts 1935; Burns, 1939 suppl., 26-620; Baldwin, 1935 suppl., 5236.

PUBLIC DEBT

The constitution provides that the total amount of the county debt shall not exceed two percent of the value of the taxable property therein,⁴⁰² and a statute provides that such debt shall not exceed two percent of the taxable property less the total of all mortgage exemptions.⁴⁰³

The borrowing of money for the county must be authorized by ordinance of the county council.⁴⁰⁴ The notes, bonds, or other evidence of indebtedness are executed by the county commissioners and attested by the auditor.⁴⁰⁵ The obligations may bear interest at a rate not exceeding six percent per annum. If the interest rate exceeds five percent the issuance must be approved by the state board of tax commissioners.⁴⁰⁶ The council may provide for maturities at any time not exceeding 52 years from issuance.⁴⁰⁷

The bonds are issued after publication of notice, and must be sold for an amount not less than par value and accrued interest. If the amount of the bond issue is to exceed \$5,000, and if 10 taxpayers file objections with the auditor, the objections will be certified to the state board of tax commissioners for hearing and disposition.⁴⁰⁸

Temporary loans may be authorized to meet current running expenses to an amount not exceeding the revenue for the current year, and only as an anticipation of such revenue. It is the duty of the county council each year to levy an annual tax to pay all such temporary loans.⁴⁰⁹

The county council must make a levy of not less than one-tenth of one percent on the taxable property of the county each year, for the purpose of retiring bonds previously issued;

Acts 1897; Burns 26-636; Baldwin 5237. 2 Rev. Stat. 1852; Burns 49-2720; Baldwin 1439. 1 Rev. Stat. 1852; Burns 49-3110; Baldwin 5555. Acts 1909, 1915; Burns 60-201, 60-211; Baldwin 13854, 13862. Interview of May 18, 1939 with E. P. Brennan, state examiner.

⁴⁰² Const. 1851, art. 13, sec. 1. Exception is made in case of war, foreign invasion, or other public calamity.

⁴⁰³ Acts 1899, 1921, 1929; Burns 26-532; Baldwin 5396.

⁴⁰⁴ *Ibid.*

⁴⁰⁵ Acts 1899, 1921; Burns 26-540; Baldwin 5405.

⁴⁰⁶ Acts 1899, 1921, 1929; Burns 26-532; Baldwin 5396. Acts 1919, 1920 (Spec. Sess.), 1921, 1923; Burns 64-1332; Baldwin 15736.

⁴⁰⁷ Acts 1899, 1921, 1929; Burns 26-532, 61-401; Baldwin 5396, 13896.

⁴⁰⁸ Acts 1899, 1921; Burns 26-540; Baldwin 5405. Acts 1919, 1920 (Spec. Sess.), 1921, 1923; Burns 64-1332; Baldwin 15736.

⁴⁰⁹ Acts 1899, 1921, 1929; Burns 26-532; Baldwin 5396.

and the taxes collected therefrom must be invested in those bonds or other county securities, and shall constitute a sinking fund for the ultimate liquidation of such debt.⁴¹⁰ The council must also levy each year a tax sufficient to pay interest for the year on bonds previously issued. If more taxes are collected under this levy than are needed to pay interest, such excess goes into the sinking fund to pay the principal.⁴¹¹

ELECTIONS

In Indiana there are three types of elections: Primary; special; and general. Primary elections are for the purpose of nominating party candidates for all offices (other than those to be voted on by the entire electorate of the state) and electing precinct committeemen and delegates to state party conventions. The primary election is mandatory for each political party in the state casting for its candidate for secretary of state 10 percent or more of the aggregate vote cast for all candidates for secretary of state in the last general election held for that office.⁴¹² Special elections are held to fill vacancies in the United States Congress, the Indiana General Assembly, in offices required to be filled by special election, and in all offices in case of a tie vote. They are ordered by the governor, announced by the sheriff, and conducted in the manner in which general elections are conducted.⁴¹³ The general election, held biennially, is for the purpose of filling all existing vacancies in office, and all offices the terms of which will expire before the next general election thereafter.⁴¹⁴

Primary elections are held on the first Tuesday after the first Monday in May preceding the general elections.⁴¹⁵ They are held under the supervision of the board of primary election commissioners, consisting of the clerk of the circuit court and two persons, of opposite political parties, appointed by him. This board prepares and distributes ballots for

⁴¹⁰ 1 Rev. Stat. 1852, Acts 1859; Burns 26-1006; Baldwin 5247. Acts 1899; Burns 26-515; Baldwin 5379.

⁴¹¹ 1 Rev. Stat. 1852; Burns 26-1007; Baldwin 5248.

⁴¹² Acts 1915; Burns 29-501; Baldwin 7187.

⁴¹³ Acts 1881 (Spec. Sess.); Burns 29-1701 to 29-1704; Baldwin 7246 to 7249.

⁴¹⁴ Acts 1881 (Spec. Sess.); Burns 29-701; Baldwin 7081.

⁴¹⁵ Acts 1915, 1917; Burns 29-508; Baldwin 7194.

the primary elections,⁴¹⁶ and serves as the county board of election commissioners at the next general election.⁴¹⁷

General elections are held biennially on the first Tuesday after the first Monday in November of even-numbered years.⁴¹⁸ County officers elected by the people are county commissioners, county councilmen, judge and clerk of the circuit court, auditor, treasurer, sheriff, coroner, recorder, prosecuting attorney, surveyor, and county assessor. These elections are held under the supervision of the county board of election commissioners, which prepares and distributes all ballots used in the county (except for town elections).⁴¹⁹ The county board of election commissioners appoints the election officials for each precinct, namely, the precinct board of election (consisting of one inspector and two judges),⁴²⁰ two poll clerks (and two assistant poll clerks if necessary),⁴²¹ and two election sheriffs.⁴²² The election judges, poll clerks, and election sheriffs are of opposite political faith and are nominated by the chairmen of their respective county central committees. The inspector of elections is nominated by the chairman of the party casting the highest number of votes in the county in the last election for secretary of state.⁴²³ The township trustee is the election inspector ex officio in the precinct in which he resides.⁴²⁴

The constitution provides that all elections shall be "free and equal", prescribes the length of residence required of an elector, designates the time of holding elections, and gives the legislature power to provide for the registration of voters.⁴²⁵

All citizens of the United States, of the age of 21 years and upwards, resident in the state six months, in the township 60 days, and in the precinct 30 days, immediately preceding an

⁴¹⁶ Acts 1907, ch. 282, secs. 1, 13. Acts 1915, 1917; Burns 29-504; Baldwin 7190.

⁴¹⁷ Acts 1915, 1917; Burns 29-504; Baldwin 7190.

⁴¹⁸ Acts 1881 (Spec. Sess.); Burns 29-701; Baldwin 7081.

⁴¹⁹ Acts 1889; Burns 29-1002; Baldwin 7109.

⁴²⁰ Acts 1929, 1933; Burns 29-804; Baldwin 7093.

⁴²¹ Acts 1929; Burns 29-805; Baldwin 7094.

⁴²² Acts 1929; Burns 29-806; Baldwin 7095.

⁴²³ Acts 1929, 1933; Burns 29-804; Baldwin 7093. Acts 1929; Burns 29-805 to 29-807; Baldwin 7094 to 7096.

⁴²⁴ Acts 1929, 1933; Burns 29-804; Baldwin 7093.

⁴²⁵ Const. 1851, art. 2, secs. 1, 2, 14.

election, are entitled to vote.⁴²⁶ Soldiers, sailors, and marines acquire no residence in the state for voting purposes by virtue of being stationed therein.⁴²⁷ Registration is required of all voters.⁴²⁸ The registration officer (the clerk of the circuit court ex officio) conducts the registration of voters.⁴²⁹

The board of county commissioners participates in various ways in the conduct of elections. The more important functions of the board in that connection are those of establishing election precincts and changing their boundaries;⁴³⁰ providing rooms for polling places and equipping them with voting booths and ballot boxes;⁴³¹ and the purchase of voting machines (permissive) for the several precincts.⁴³²

Any qualified and registered elector of the county, who by reason of the nature of his business is absent or expects to be absent from the county on the day of holding an election, may vote by an absent-voter's ballot which he, by mail or in person, procures from the clerk of the circuit court.⁴³³

The board of canvassers (consisting of the election commissioners,⁴³⁴ with the clerk of the circuit court acting as clerk)⁴³⁵ tabulates and compiles the election returns of the county, and files all data, canvass sheets, certificates, poll books, and tally papers in the office of the clerk, and certifies the candidates elected.⁴³⁶

Recount of ballots must be ordered by the circuit court if a petition and cost bond therefor are presented by a defeated candidate within 12 days after the election. Such recount is made by commissioners appointed by the court, and it su-

⁴²⁶ U. S. Const., amend. 19. U. S. C., title 8, sec. 21 (law of 1870). Const. 1851, art. 2, sec. 2 (as amended in 1921). Acts 1881 (Spec. Sess.); Burns 29-703; Baldwin 7083.

⁴²⁷ Const. 1851, art. 2, sec. 3. Acts 1881 (Spec. Sess.); Burns 29-705; Baldwin 7085.

⁴²⁸ Acts 1933; Burns 29-301; Baldwin 7299. See the essay entitled "Registration Officer."

⁴²⁹ Acts 1933, 1935; Burns, 1939 suppl., 29-366; Baldwin, 1935 suppl., 7304.

⁴³⁰ Acts 1889, 1907; Burns 29-801; Baldwin 7089. Acts 1920 (Spec. Sess.); Burns 29-901; Baldwin 7091.

⁴³¹ Acts 1920 (Spec. Sess.); Burns 29-909; Baldwin 7154. Acts 1897; Burns 29-1121; Baldwin 7135.

⁴³² Acts 1939; Burns, 1939 suppl., 29-562; Baldwin, 1939 suppl., 7245-1. Acts 1901, 1903; Burns 29-2404; Baldwin 7352.

⁴³³ Acts 1935; Burns, 1939 suppl., 29-2601 to 29-2623; Baldwin, 1935 suppl., 7348-1 to 7348-23.

⁴³⁴ Acts 1905, 1927; Burns 29-1401; Baldwin 7377.

⁴³⁵ Acts 1905; Burns 29-1402; Baldwin 7378.

⁴³⁶ Acts 1905; Burns 29-1404, 29-1405; Baldwin 7380, 7381.

persedes the certificate of the county board of canvassers. Thereafter the court hears the contentions of the parties and determines the result of the election.⁴³⁷

Each candidate for public office must file with the clerk of the circuit court, within 30 days after the election, (general, special, or primary), a sworn statement setting forth his election expenses and promises. Failure to file such statement is a criminal offense and disqualifies the candidate from holding the office sought by him in such election.⁴³⁸

EDUCATION

The public school system of Indiana was provided for by the Ordinance of 1787.⁴³⁹ The first financial support for a public school system came from sale of lands of section 16 of each Congressional Township.⁴⁴⁰ Interest in education grew slowly before 1849. In that year the first tax law for the support of schools was passed.⁴⁴¹ It was not until after the adoption of the Constitution of 1851 and the passage of the school law of 1852 that education received any serious attention from the state.⁴⁴² The school law of 1865 brought the most complete revision.⁴⁴³ The constitution provides that the general assembly shall encourage and provide for a general and uniform system of common schools.⁴⁴⁴

In 1816 the Congressional Township fund was provided for the development of the public school system. The fund was composed of the moneys arising from the sale and leasing of lands of section 16 of each Congressional Township.⁴⁴⁵ This fund was not handled efficiently before 1851.⁴⁴⁶

⁴³⁷ Const. 1851, art. 2, sec. 14 (as amended in 1881). Acts 1915, 1917, 1925, 1929; Burns 29-511; Baldwin 7196. Acts 1933, 1935; Burns, 1939 suppl., 29-2301 to 29-2309; Baldwin, 1935 suppl., 7428 to 7435, 7427-1.

⁴³⁸ Acts 1911, 1913, 1915; Burns 29-2508; Baldwin 7445.

⁴³⁹ Ordinance of 1787, art. 3; *U. S. Statutes at Large*, 1:52 note.

⁴⁴⁰ *U. S. Statutes at Large*, 3:289 (law of 1816).

⁴⁴¹ Acts 1848-49 (general), ch. 116, sec. 1. Fassett A. Cotton, *Education in Indiana* (1934), 10.

⁴⁴² Const. 1851, art. 8. 1 Rev. Stat. 1852, ch. 98.

⁴⁴³ Acts 1865; Burns 28-101; Baldwin 6499.

⁴⁴⁴ Const. 1851, art. 8, sec. 1.

⁴⁴⁵ *U. S. Statutes at Large*, 3:289 (law of 1861).

⁴⁴⁶ Logan Esarey, *History of Indiana* (1824), 2:679, sec. 122.

The Constitution of 1851 established the common school fund composed of: The Congressional Township fund and the lands belonging thereto; the surplus revenue fund; the bank tax fund; the saline fund and the lands belonging thereto; the funds to be derived from the sale of county seminaries, and the moneys and properties previously held for such seminaries; fines and forfeitures; decedents' estates escheated to the state for want of heirs; taxes on the property of corporations which may be assessed by the general assembly for common school purposes; and all lands granted to the state without designation of purpose, and the proceeds of sale thereof (including the proceeds of sale of swamp lands granted in 1850, less the expense of selection and drainage).⁴⁴⁷

The Constitution of 1851 further provided that the principal of the common school fund must remain a perpetual fund and be invested so that it may increase but never diminish; and that the interest earned by the fund may be expended for the support of the common schools and for no other purpose. The general assembly was required to invest all funds that were not already under the supervision of the counties; and was directed to provide laws for the distribution of the interest to the counties.⁴⁴⁸ Interest at the rate of five percent is charged on loans from the common school fund and the Congressional Township fund. For the school year of 1937-38, Posey County received \$4,605.29 from the interest on the common school fund.⁴⁴⁹

Since 1865 the funds managed by the county have been kept by the county auditor in two separate funds, the common school fund and the Congressional Township fund.⁴⁵⁰ He also keeps the account of the permanent endowment fund of Indiana University (established by an act of 1883), which is derived from a tax levy of one-half of one cent on each \$100 of taxable property, collected each twelfth year after the establishment of the fund.⁴⁵¹ This fund is paid into the state treasury

⁴⁴⁷ Const. 1851, art. 8, secs. 2-7. Acts 1865; Burns 28-101; Baldwin 6499.

⁴⁴⁸ Const. 1851, art. 8, secs. 3-5. Acts 1907; Burns 28-102; Baldwin 6500.

An act of 1865 provides that the income from the common school fund, together with unclaimed fees and the money derived from licenses for the sale of intoxicating liquors, shall be denominated the "school revenue for tuition" and shall be applied exclusively to furnishing tuition to the state. Acts 1865; Burns 28-102; Baldwin 6499.

⁴⁴⁹ "Report of the State Superintendent of Public Instruction, 1937-1938", *Year Book of the State of Indiana for the Year 1938* (1939), 441.

⁴⁵⁰ Acts 1865; Burns 28-105; Baldwin 6511.

⁴⁵¹ Acts 1887; Burns 28-5542; Baldwin 6948. Acts 1883; Burns 28-5579; Baldwin 6956.

and is apportioned to the counties by the state auditor according to population, to be loaned the same as the principal of the common school fund. The interest on this endowment fund is distributed and used the same as the interest on the common school fund.⁴⁵² Each county is held liable for the preservation of the funds entrusted to it, and for the payment of the annual interest.⁴⁵³

There are two major types of school organizations, (a) county schools and (b) town and city schools. The "county schools" are, in reality, township schools and are operated by the township trustees severally. The town and city schools are operated in a similar manner by school boards composed of three members appointed by the common council of the town or city.⁴⁵⁴

The county superintendent of schools, who is elected by the township trustees, has charge of each township institute, aids the trustee in the supervision of the township schools, and carries out all orders and instructions of the state superintendent of public instruction and the state board of education.⁴⁵⁵ He has no supervision of city or town schools.⁴⁵⁶

The township trustees, the county superintendent of schools, and the chairman of the board of school trustees of each city and town in the county compose the county board of education. The city and town school trustees (other than the chairman of the board) may attend the meetings of the county board of education but have no vote in the proceedings. The county board of education meets semiannually to consider the general needs of the schools.⁴⁵⁷

The local school systems are closely supervised by the state board of education, with the state superintendent of public instruction as its administrative head.⁴⁵⁸ One of

⁴⁵² See the essay entitled "County School Fund Board."

⁴⁵³ Const. 1851, art. 8, sec. 6. Acts 1865; Burns 28-104; Baldwin 6499-1. Board of County Comrs. v. Michener (1899), 120 Ind. 442, 22 N. E. 339.

⁴⁵⁴ Acts 1905, 1915, 1919; Burns 28-1201; Baldwin 5962.

⁴⁵⁵ Acts 1899, 1911, 1913; Burns 28-702, 28-704; Baldwin 5931, 5938. State *ex rel.* Nebeker v. Sutton (1884), 99 Ind. 300. State *ex rel.* Drummond v. Dillon (1890), 125 Ind. 65, 25 N. E. 136.

⁴⁵⁶ Acts 1899; Burns 28-705; Baldwin 5940.

⁴⁵⁷ Acts 1873, 1877; Burns 28-801; Baldwin 5983. Interview of July 26, 1939 with Grover Van Duyn, assistant state superintendent of public instruction. See the essay entitled "County Board of Education."

⁴⁵⁸ Acts 1865; Burns 28-301, 28-302; Baldwin 5890, 5891. Acts 1913; Burns 28-401; Baldwin 5906. Acts 1939; Burns, 1939 suppl., 28-401a; Baldwin, 1939 suppl., 5906-1.

the most important functions of the state board of education is the issuing of teachers' licenses. These are graded according to the kind and amount of training and experience of the licensee.⁴⁵⁹ The state board of education provides for the inspection of schools,⁴⁶⁰ establishes a uniform schedule of textbooks,⁴⁶¹ and prescribes an accredited course of instruction for teacher training.⁴⁶²

Attendance is compulsory in all the schools in the county for every child between the ages of seven and 16 years. Exceptions are based on physical or mental condition and on court decisions.⁴⁶³

The legislature has provided that whenever colored children reside in any school corporation, the school trustee or trustees may establish separate schools for them, providing they have rights, privileges, and advantages equal to those in the other schools in the corporation. Otherwise they must attend the public schools with white children.⁴⁶⁴ Colored schools are represented on the state board of education by the required presence of one member of the negro race.⁴⁶⁵

In 1913 the general assembly first provided that school corporations might establish vocational schools or departments for industrial, agricultural, and home economics education. These courses are established in a manner approved by the state board of education, and are maintained by the regular school funds or by a special tax levy.⁴⁶⁶ Classes may be held during the day or evening. The instruction is of less than college grade, but designed to meet the needs of persons over 14 years of age.⁴⁶⁷

In 1933 the legislature inaugurated a plan for state aid to the schools. There are three main sources of funds that are returned to the county.

From the general fund the state supplies the county with

⁴⁵⁹ Acts 1865; Burns 28-404; Baldwin 5920. Acts 1923; Burns 28-4201 to 28-4217; Baldwin 5912 to 5928.

⁴⁶⁰ Acts 1921; Burns 28-304, 28-305; Baldwin 6048, 5939.

⁴⁶¹ Acts 1899, 1909, 1917; Burns 28-601; Baldwin 6675.

⁴⁶² Acts 1923; Burns 28-4205; Baldwin 5916.

⁴⁶³ Acts 1921; Burns 28-505; Baldwin 6698.

⁴⁶⁴ Acts 1869 (Spec. Sess.), 1877, 1935; Burns, 1939 suppl., 28-5104; Baldwin, 1935 suppl., 6012.

⁴⁶⁵ Acts 1939; Burns, 1939 suppl., 28-401a; Baldwin, 1939 suppl., 5906-1.

⁴⁶⁶ Acts 1913, 1919; Burns 28-4902; Baldwin 6448.

⁴⁶⁷ Acts 1913, 1919; Burns 28-4903; Baldwin 6449.

tuition support of not less than \$700 annually for each teaching unit of 35 pupils in average daily attendance in grades one to eight, and for each unit of 25 pupils in average daily attendance in grades nine to 12.⁴⁶⁸ The total amount received by Posey County from this source during the school year 1937-38 was \$74,386.26.⁴⁶⁹

From the moneys raised from the excise tax on alcoholic beverages, one-third is distributed to the school corporations on the basis of average daily attendance (which took the place of the enumeration).⁴⁷⁰ Posey County received \$3,632.07 from this source for the school year 1937-38.⁴⁷¹

A state stamp tax on intangible property has further provided financial aid to the schools. The money is collected and held separate from the general fund. Of the total amount, 10 percent is kept by the state for the expense of administering that tax, and the remainder is apportioned to the counties on the basis of assessed valuation of real property in the several counties. One-fourth of the amount received by each county is retained for its general fund, and the remainder is distributed to the school taxing units of the county on the basis of assessed valuation of real property in the several units.⁴⁷² For the school year 1937-38 the school taxing units of Posey County received \$4,858.79 from this source.⁴⁷³

In 1933 the common school relief fund was established for the purpose of aiding schools to continue in operation. The fund is derived from a seven cent tax levy on each \$100 of taxable property, real or personal, and a poll tax of 50 cents on each taxable poll.⁴⁷⁴ Whenever any township trustee or board of trustees of any school town or school city ascertains that there is an insufficient amount of revenue to maintain the school for a term not to exceed eight months, he or they must file a certificate with the county superin-

⁴⁶⁸ Acts 1933, 1935, 1937; Burns, 1939 suppl., 28-1001 to 28-1003; Baldwin, 1937 suppl., 6502 to 6504.

⁴⁶⁹ "Report of the State Superintendent of Public Instruction, 1937-1938", *loc. cit.*, 410, 425.

⁴⁷⁰ Acts 1935, 1939; Burns, 1939 suppl., 12-811; Baldwin, 1939 suppl., 3764-40f. Acts 1865, 1893, 1932 (Spec. Sess.), 1933; Burns 28-1013; Baldwin 6490.

⁴⁷¹ "Report of the State Superintendent of Public Instruction, 1937-1938", *loc. cit.*, 410, 425.

⁴⁷² Acts 1933; Burns 64-922; Baldwin 15220.

⁴⁷³ "Report of the State Superintendent of Public Instruction, 1937-1938", *loc. cit.*, 410, 425.

⁴⁷⁴ Acts 1933; Burns 28-901; Baldwin 6431.

tendent of schools stating its needs.⁴⁷⁵ The county superintendent of schools forwards the certificate to the state board of education,⁴⁷⁶ and this board and the state board of accounts must examine the certificate and decide on the amount to be allotted to the school unit.⁴⁷⁷ The money received must first be used to pay any unpaid items of operating expenses which accrued before the making of such application; and any surplus must be used for the operating expenses of the current year.⁴⁷⁸ Posey County received \$28,861.24 from this fund in the school year of 1937-38.⁴⁷⁹

The school cities, towns, and townships may levy property taxes and poll taxes⁴⁸⁰ for the following school purposes: Renting, repairing, and constructing schoolhouses; furnishings, apparatus, fuel, tuition, and other current expenses;⁴⁸¹ to enforce compulsory education and keep poor children in school;⁴⁸² to provide rooms and equipment for the teaching of agriculture, home economics, physical culture, and practical mental culture;⁴⁸³ establishment of vocational schools;⁴⁸⁴ and for the retirement of school bonds.⁴⁸⁵

PUBLIC HEALTH

The Indiana Board of health closely supervises and directs all local public health activities.⁴⁸⁶ Public health services are administered in the county by a part-time county health officer and a full-time public health nurse. They are appointed by the board of commissioners, subject to approval by the state board.⁴⁸⁷ The counties of Gibson, Pike, Posey,

⁴⁷⁵ Acts 1933; Burns 28-903; Baldwin 6433.

⁴⁷⁶ Acts 1933; Burns 28-904; Baldwin 6434.

⁴⁷⁷ Acts 1933; Burns 28-905; Baldwin 6435.

⁴⁷⁸ Acts 1933, 1935; Burns, 1939 suppl., 28-907; Baldwin, 1935 suppl., 6437.

⁴⁷⁹ "Report of the State Superintendent of Public Instruction, 1937-1938", *loc. cit.*, 410,

425.

⁴⁸⁰ Acts 1919; Burns 64-101; Baldwin 15514.

⁴⁸¹ Acts 1865, 1873, 1905, 1917; Burns 28-1101; Baldwin 6442.

⁴⁸² Acts 1921; Burns 28-513; Baldwin 6706.

⁴⁸³ Acts 1913; Burns 28-3421; Baldwin 6468.

⁴⁸⁴ Acts 1913, 1919; Burns 28-4902; Baldwin 6448.

⁴⁸⁵ Acts 1937; Burns, 1939 suppl., 28-3218; Baldwin, 1937 suppl., 6623-11.

⁴⁸⁶ Acts 1891, 1909; Burns 35-105, 35-106; Baldwin 8390, 8391.

⁴⁸⁷ Acts 1935; Burns, 1939 suppl., 35-118, 35-123; Baldwin, 1935 suppl., 8404-1, 8404-6. See the essays entitled "County Health Officer" and "Public Health Nurse."

and Warrick constitute a health district which has a full-time health officer working under the supervision of the state board.⁴⁸⁸ The state board of health is composed of several bureaus which perform many services for the local health officers. Some of these bureaus furnish laboratory services such as inspection of dairy products, analysis of water, food, and drugs, and making of bacteriological and pathological tests.⁴⁸⁹

The educational facilities offered by the state board are many. Literature, lectures, lantern slides, and motion picture films are available for use in schools and clubs or organizations desiring information on public health. These facilities may be obtained from the bureaus of health and physical education, communicable diseases, and venereal diseases.⁴⁹⁰

The state board of health distributes insulin, pneumonia serum, diphtheria toxoid, small pox virus, and typhoid vaccine to physicians for indigent patients.⁴⁹¹

Health laws require that public water supplies must be inspected by the state board of health;⁴⁹² that manufacturing, storage, and retail establishments dealing in foodstuffs must maintain certain standards of sanitation and cleanliness;⁴⁹³ that dwellings which are unsanitary, unsafe, unhealthful, or rendered uninhabitable by a nearby nuisance must be properly inspected and ordered vacated;⁴⁹⁴ that health officers must ascertain the existence of rat infestations, order their extermination, and recommend methods of extermination.⁴⁹⁵

Food and drug products are inspected in the state laboratory for adulteration or misbranding.⁴⁹⁶ Dairy products are tested for butter fat content and weight.⁴⁹⁷

⁴⁸⁸ Acts 1935; Burns, 1939 suppl., 35-125; Baldwin, 1935 suppl., 8404-8. Interview of November 13, 1939 with Dr. Verne K. Harvey, director of the state board of health.

⁴⁸⁹ Acts 1905; Burns 35-302; Baldwin 8394.

⁴⁹⁰ Acts 1891, 1909; Burns 35-106; Baldwin 8391. Interview of August 17, 1939 with Dr. Verne K. Harvey, director of the state board of health.

⁴⁹¹ Acts 1907, 1919, 1929, 1935, 1939; Burns, 1939 suppl., 35-701 to 35-703, 35-710, 35-712; Baldwin, 1935 suppl., 13392 to 13394, 13395-1; Baldwin, 1939 suppl., 13395-2.

⁴⁹² Acts 1909; Burns 35-202, 35-203; Baldwin 8411, 8412.

⁴⁹³ Acts 1909; Burns 35-1001; Baldwin 8504.

⁴⁹⁴ Acts 1917; Burns 35-1801; Baldwin 8563.

⁴⁹⁵ Acts 1913; Burns 35-1601, 35-1602; Baldwin 8570, 8571.

⁴⁹⁶ Acts 1905; Burns 35-302; Baldwin 8394. Acts 1907; Burns 35-1201; Baldwin 8432.

Acts 1939, ch. 38.

⁴⁹⁷ Acts 1913; Burns 35-1301; Baldwin 8455.

Contagious diseases must be reported to the state board and properly quarantined by the health officer.⁴⁹⁸ All cases of tuberculosis⁴⁹⁹ and leprosy must be reported to the state board of health as soon as they are diagnosed. The state board has jurisdiction to direct the care and disposition of lepers.⁵⁰⁰

All birth certificates must show that the attendant at such birth took the proper precautions to prevent ophthalmia neonatorum (the disease causing infant blindness).⁵⁰¹ If an infant's eyes show any sign of infection within two weeks after the date of birth, a written report thereof must be made to the health officer within six hours after such discovery.⁵⁰²

All persons applying to the clerk of the circuit court for a marriage license must present a certificate from a licensed physician stating that the applicant is not infected with communicable syphilis. Before giving such certificate, the physician must have a blood specimen of the applicant examined by the laboratory of the state board of health or a laboratory approved by the board. The test must be made not more than 30 days before the application for a license.⁵⁰³

The local health officers enforce the state health laws and the rules and regulations of the state board of health. They promote health education, collect vital statistics, make periodic reports to the state board of health, and keep records of these reports in their record books.⁵⁰⁴

Counties have statutory authority to construct and maintain public hospitals, but conditions prevailing in Posey County have not required a county hospital.⁵⁰⁵

VITAL STATISTICS

In Indiana the collection of vital statistics is supervised by the bureau of vital statistics of the state board of health.⁵⁰⁶ The county health officer makes the collection

⁴⁹⁸ Acts 1903; Burns 35-401, 35-403; Baldwin 8531, 8533.

⁴⁹⁹ Acts 1917; Burns 35-601, 35-602; Baldwin 8402, 8552.

⁵⁰⁰ Acts 1917; Burns 35-501 to 35-503; Baldwin 8543 to 8545.

⁵⁰¹ Acts 1911; Burns 35-901; Baldwin 8558.

⁵⁰² Acts 1911; Burns 35-903; Baldwin 8560.

⁵⁰³ Acts 1939; Burns, 1939 suppl., 44-213; Baldwin, 1939 suppl., 5624-1.

⁵⁰⁴ Acts 1935; Burns, 1939 suppl., 35-118, 35-122, 35-123; Baldwin, 1935 suppl., 8404-1, 8404-

5, 8404-6.

⁵⁰⁵ Acts 1903, 1939; Burns, 1939 suppl., 22-3201; Baldwin, 1939 suppl., 4507.

⁵⁰⁶ Acts 1907, 1913; Burns 35-116; Baldwin 8399.

of local data on forms supplied by the state board of health, and periodically delivers reports of all records to the state board. The health officer collects statistics of births, deaths, marriages, and communicable diseases. Physicians, midwives, the clerk of the circuit court, and all responsible householders are required to report to the county health officer the facts needed for such statistics.⁵⁰⁷

All birth reports are to be made to the health officer within 36 hours after birth. A child that lives and breathes after birth, no matter how brief the period, and regardless of the period of gestation is a living child; and if he thereafter dies, his birth and death must be reported and recorded.⁵⁰⁸

Deaths are reported as soon as possible, because a body may not be buried until a burial permit has been issued by the health officer in charge, and burial permits are not issued until the death certificate is completed. Burial may be made anywhere in the state regardless of the county in which the permit was issued. When a death occurs outside the state, and the body is brought into the state for interment, the burial permit must be based on the transportation permit, and no record of the death is required. If death has occurred by means of violence or criminal practices, the death notice is referred to the coroner.⁵⁰⁹ The burial permit is preserved with the records of the cemetery.⁵¹⁰

The clerk of the circuit court issues all marriage licenses, and makes a monthly report to the county health officer showing marriage statistics. The health officer records each marriage in his record book, and sends a quarterly report to the state board of health. All marriages must be reported on official blanks, by the person performing them, within three days after the occurrence thereof, to the clerk of the circuit court of the county where the license was issued.⁵¹¹

Weekly reports, on printed forms provided by the United States Public Health Service, summarizing all communicable

⁵⁰⁷ Acts 1881, ch. 19, sec. 11. Acts 1891, ch. 15, sec. 11. Acts 1907, 1913; Burns 35-115; Baldwin 8398.

⁵⁰⁸ Acts 1907, 1911, 1913; Burns 35-115, 35-116, 35-901; Baldwin 8398, 8399, 8558. Rule 4 of the state board of health.

⁵⁰⁹ Acts 1907, 1913; Burns 35-115; Baldwin 8398. Rule 3 of the state board of health.

⁵¹⁰ Acts 1939; Burns, 1939 suppl., 20-1021; Baldwin, 1939 suppl., 4617-21.

⁵¹¹ Acts 1881, ch. 19, sec. 11. Acts 1891, ch. 15, sec. 11. Acts 1907, 1913; Burns 35-115; Baldwin 8398. Rule 5 of the state board of health.

diseases, or stating the absence thereof, are made by the local health officers to the state board of health.⁵¹²

The heads of all public and private institutions, such as hospitals, poor asylums, and places of confinement, are required to keep all statistics concerning the inmates and make reports directly to the state board of health as required by the board.⁵¹³

WELFARE ASSISTANCE

An important public service is the administration of the Public Welfare Act by the county department of public welfare, under the supervision of the state department of public welfare.⁵¹⁴

An applicant for old-age assistance must be 65 years old; must be a citizen of the United States; must have lived in the state for five years out of the last nine, the last year continuously; must be in need; must not be an inmate of a municipal, state, or national institution; and must not have transferred his property within the five years immediately before his application.⁵¹⁵ He must reveal all property and income in which he has an interest,⁵¹⁶ agree to reimburse the county for assistance given him, and assign as collateral security such part of his personal property as the county department of public welfare may require.⁵¹⁷ After an investigation the county department may grant him assistance, never exceeding \$30 a month.⁵¹⁸ A copy of the certificate of award is filed in the office of the recorder, and constitutes a lien on any real property which the pensioner then owns or subsequently acquires.⁵¹⁹ With the consent of the state department of public welfare, the county department may demand a transfer of all property he owns, on the sole condition that if assistance is suspended or if he dies the property will revert to him or his estate, subject to a lien for the sums the state has paid to him.⁵²⁰

⁵¹² Acts 1907, 1913; Burns 35-115; Baldwin 8398. Rule 6 of the state board of health.

⁵¹³ Acts 1907, 1913; Burns 35-117; Baldwin 8400.

⁵¹⁴ See the essay entitled "County Department of Public Welfare."

⁵¹⁵ Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1201; Baldwin, 1937 suppl., 14078-32.

⁵¹⁶ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1204; Baldwin, 1937 suppl., 14078-35.

⁵¹⁷ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1213; Baldwin, 1937 suppl., 14078-44.

⁵¹⁸ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1203; Baldwin, 1937 suppl., 14078-34.

⁵¹⁹ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1207; Baldwin, 1937 suppl., 14078-38.

⁵²⁰ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1214; Baldwin, 1937 suppl., 14078-45.

A blind applicant, in order to receive state assistance, must be 21 years old if a male or 18 years old if a female; must be a citizen of the United States; must have lost his eyesight while a resident of the state or have lived in the state five of the last nine years, the last year continuously; must be in need; must not be an inmate of a municipal, state, or national institution; must not have transferred his property within the five years immediately before his application; and must not solicit alms while receiving assistance.⁵²¹ The amount he receives is determined by the county department after an investigation of his needs⁵²² and never exceeds \$30 a month⁵²³ except as temporary assistance is given for treatment of his eyes.⁵²⁴ Blind children may be sent to the school for the blind near Indianapolis.⁵²⁵

A dependent or destitute child must have lived in the state one year preceding his application for assistance or have been born within the state during the year, his mother having resided in the state one year before his birth.⁵²⁶ The first dependent child may receive \$20, the second child \$18, and each additional child \$12 a month.⁵²⁷ A destitute child⁵²⁸ may receive as much as \$23 a month,⁵²⁹ and is eligible for any other relief he may require.⁵³⁰ Crippled children may be placed in any public or private hospital or be sent to the Riley Hospital at Indianapolis.⁵³¹ Diseased and defective children may be placed in any public hospital in the county by the judge of the circuit court.⁵³² Orphan, dependent, and neglected children under 16 years of age are placed in

⁵²¹ Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1221; Baldwin, 1937 suppl., 14078-52.

⁵²² Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1225; Baldwin, 1937 suppl., 14078-56, 14078-58.

⁵²³ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1223; Baldwin, 1937 suppl., 14078-54.

⁵²⁴ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1236; Baldwin, 1937 suppl., 14078-67.

⁵²⁵ Acts 1865; Burns 22-601 *et seq.*; Baldwin 4560 *et seq.*

⁵²⁶ Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1240, 52-1268; Baldwin, 1937 suppl., 14078-71, 14078-97b.

⁵²⁷ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1241; Baldwin, 1937 suppl., 14078-72.

⁵²⁸ Acts 1937; Burns, 1939 suppl., 52-1267; Baldwin, 1937 suppl., 14078-97a.

⁵²⁹ Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1269; Baldwin, 1937 suppl., 14078-97c.

⁵³⁰ Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1278; Baldwin, 1937 suppl., 14078-97i.

⁵³¹ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1256; Baldwin, 1937 suppl., 14078-87.

⁵³² Acts 1933; Burns 52-501; Baldwin 5700.

private homes under the supervision of the county department of public welfare.⁵³³

No official, in carrying out the provisions of the Welfare Act, may take charge of a child over the objection of a parent or a person standing *in loco parentis* to the child, except pursuant to a court order.⁵³⁴ Persons receiving aid under the Welfare Act are ineligible for other public relief.⁵³⁵ Assistance is not transferable, is not subject to legal process, and is not an asset in bankruptcy proceedings.⁵³⁶ When a blind person moves to another county in the state, there is no suspension of any assistance he is receiving;⁵³⁷ and children and the aged may receive aid for another year from the county from which they moved.⁵³⁸

If a person entitled to assistance under the Welfare Act is unable to care for himself, the county department pays his relief money to some responsible person for his benefit.⁵³⁹ If a recipient of relief dies leaving an estate insufficient to bury him, and the persons legally responsible for his burial are unable to pay the expenses, the county department pays \$75 for his funeral, plus an additional \$25 for a burial lot (if the deceased did not own one).⁵⁴⁰

An appeal may be taken from the county department to the state department of public welfare.⁵⁴¹ Nothing in the Welfare Act relieves any person from liability for the support of a parent, child, or spouse.⁵⁴²

⁵³³ Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1104(c); Baldwin, 1937 suppl., 14078-5(c). Interview of December 11, 1939 with Thurman A. Gottschalk, chief administrator of the state department of public welfare.

⁵³⁴ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1417; Baldwin, 1937 suppl., 14078-130.

⁵³⁵ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1202, 52-1222; Baldwin, 1937 suppl., 14078-33, 14078-53.

⁵³⁶ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1210, 52-1231; Baldwin, 1937 suppl., 14078-41, 14078-62.

⁵³⁷ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1239; Baldwin, 1937 suppl., 14078-70.

⁵³⁸ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1218, 52-1248; Baldwin, 1937 suppl., 14078-49, 14078-79.

⁵³⁹ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1208, 52-1229; Baldwin, 1937 suppl., 14078-39, 14078-60.

⁵⁴⁰ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1209, 52-1230; Baldwin, 1937 suppl., 14078-40, 14078-61.

⁵⁴¹ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1211, 52-1232, 52-1246; Baldwin, 1937 suppl., 14078-42, 14078-63, 14078-77.

⁵⁴² Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1263; Baldwin, 1937 suppl., 14078-94.

Poor relief is administered by the township trustees. The county maintains an asylum for the poor.⁵⁴³ Residents of the county,⁵⁴⁴ paupers,⁵⁴⁵ and nonresidents requiring temporary relief⁵⁴⁶ may be placed therein. The law prohibits the keeping of children between the ages of three and 17 in the asylum for a longer period than 60 days.⁵⁴⁷ Anyone refused relief by a township trustee has a right to a hearing before the board of commissioners⁵⁴⁸ and to an appeal from that board to the circuit court.⁵⁴⁹ The board of commissioners may borrow for poor relief, if the funds available are not sufficient.⁵⁵⁰

PUBLIC WORKS AND PROPERTY

The board of commissioners has power to make orders respecting the property of the county in conformity to law; to sell the public grounds of the county on which public buildings are situated, and to purchase in lieu thereof, in the name of the county, other grounds in the county seat on which such buildings shall be erected; to purchase other lands for the enlargement of the public square, and to take care of and preserve such property; and to grant licenses, permits, or franchises with respect to the use of the property of the county.⁵⁵¹ No sale, conveyance, or purchase, by the board, of real estate of the value of \$1,000 or more can take place except pursuant to ordinance of the county council authorizing such sale or purchase and fixing the terms and conditions thereof.⁵⁵² The board cannot sell county property, real or personal, except at public auction after 60 days' notice by publication and posting.⁵⁵³

⁵⁴³ Const. 1851, art. 9, sec. 3. 1 Rev. Stat. 1852; Burns 52-201; Baldwin 13360. Acts 1935; Burns, 1939 suppl., 52-146; Baldwin, 1935 suppl., 13320-3.

⁵⁴⁴ 1 Rev. Stat. 1852; Burns 52-201; Baldwin 13360. Acts 1935; Burns, 1939 suppl., 52-146; Baldwin, 1935 suppl., 13320-3.

⁵⁴⁵ Acts 1935; Burns, 1939 suppl., 52-151; Baldwin, 1935 suppl., 13320-8.

⁵⁴⁶ Acts 1935; Burns, 1939 suppl., 52-163; Baldwin, 1935 suppl., 13320-20.

⁵⁴⁷ Acts 1897, 1901; Burns 22-2608; Baldwin 4388.

⁵⁴⁸ Acts 1935; Burns, 1939 suppl., 52-160; Baldwin, 1935 suppl., 13320-17.

⁵⁴⁹ 1 Rev. Stat. 1852; Burns 26-901; Baldwin 5276.

⁵⁵⁰ Acts 1935, 1939; Burns, 1939 suppl., 52-604, 52-609, 52-610; Baldwin, 1935 suppl., 13359-1, 13359-6; Baldwin, 1939 suppl., 13359-7.

⁵⁵¹ 1 Rev. Stat. 1852, Acts 1925; Burns, 1939 suppl., 26-620; Baldwin, 1935 suppl., 5236.

⁵⁵² Acts 1899; Burns 26-534; Baldwin 5399.

⁵⁵³ Acts 1907; Burns 26-2008; Baldwin 5107.

ROADS AND BRIDGES

The board of commissioners has power to construct and maintain roads⁵⁵⁴ and bridges.⁵⁵⁵ Generally the preliminary procedure for such construction is as follows: Taxpayers file with the board of commissioners a petition requesting the improvement; notice of hearing before the board is published; taxpayers opposing the petition file remonstrances; viewers appointed by the board make inspection and recommendations; damages to landowners are determined; the petition is finally approved; a contract for the work is let; and the damages are paid. In some instances, bonds may be issued for the construction of roads⁵⁵⁶ and bridges,⁵⁵⁷ and special assessment liens charged against the land benefited by the road.⁵⁵⁸ The county may render financial assistance to the state highway commission in the construction of any state highway located wholly within the county, and any bridge (on such highway) over a stream forming the county boundary.⁵⁵⁹

The county surveyor ordinarily prepares the plans and specifications for, and has general supervision of, the construction of roads and bridges. If he is not a competent civil engineer, the board may appoint one to perform such duties.⁵⁶⁰

The county highway supervisor has general supervision of the maintenance and repair of all roads, bridges, and culverts which are maintained from the highway fund of the county.⁵⁶¹ He makes maps of all county roads, and gives each road a name

⁵⁵⁴ Acts 1905, 1907; Burns 36-201 *et seq.*; Baldwin 8756 *et seq.* Acts 1919; Burns 36-301 *et seq.*; Baldwin 8859 *et seq.* Acts 1907; Burns 36-401 *et seq.*; Baldwin 8992 *et seq.* Acts 1919; Burns 36-501 *et seq.*; Baldwin 8879 *et seq.* Acts 1923; Burns 36-1001; Baldwin 9020. Acts 1905; Burns 36-1204; Baldwin 8807. Acts 1905; Burns 36-1301 *et seq.*; Baldwin 8787 *et seq.* Acts 1921; Burns 36-1401 *et seq.*; Baldwin 8904 *et seq.*

⁵⁵⁵ Acts 1905, 1907, 1929; Burns 36-1901; Baldwin 9236. Acts 1905, 1911, 1913; Burns 36-2001; Baldwin 9191. Acts 1903, 1923; Burns 36-2002; Baldwin 9192. Acts 1920; Burns 36-2401 *et seq.*; Baldwin 9151 *et seq.*

⁵⁵⁶ Acts 1905; Burns 36-1308; Baldwin 8794. Acts 1921; Burns 36-1435 to 36-1443; Baldwin 8938 to 8946. Acts 1937; Burns, 1939 suppl., 36-332; Baldwin, 1937 suppl., 8859-1.

⁵⁵⁷ Acts 1920 (Spec. Sess.); Burns 36-2402; Baldwin 9152. Acts 1927; Burns 36-2421; Baldwin 9171. Acts 1929, 1937; Burns, 1939 suppl., 36-2432; Baldwin, 1937 suppl., 9182. Acts 1927; Burns 36-2441; Baldwin 9128.

⁵⁵⁸ Acts 1905; Burns 36-1308; Baldwin 8794. Acts 1921; Burns 36-1412 to 36-1414; Baldwin 8915 to 8917.

⁵⁵⁹ Acts 1923, 1929; Burns 36-136 to 36-141; Baldwin 8672 to 8675, 8678, 8679.

⁵⁶⁰ 1 Rev. Stat. 1852, Acts 1911; Burns 49-3309; Baldwin 5508.

⁵⁶¹ Acts 1923; Burns 36-1102, 36-1110; Baldwin 8700, 8708.

or number, so that the roads may be efficiently patrolled for making repairs.⁵⁶² Weeds must be cut and removed each year between June 15 and September 1.⁵⁶³

All expenses incurred in the maintenance, repair, and preservation of county roads must be paid out of funds received by the county from the motor vehicle highway account of the state; and no tax can be levied for such purpose except by the unanimous vote of the county council in case of extraordinary emergency or indispensable necessity.⁵⁶⁴

PUBLIC BUILDINGS

The law provides that the board of commissioners must cause a courthouse, jail, and public offices for the clerk, recorder, treasurer, and auditor to be erected and furnished, where this has not been done; and must keep all the public buildings of the county in repair; and that such offices must be fireproof, if practicable.⁵⁶⁵

For the purpose of acquiring a new courthouse, the board, without appraisement and without authority from the county council, may sell to the state any lands of the county containing public buildings, and buy other land for courthouse grounds. The proceeds of sale can be used only for the purchase of the land and construction of the courthouse. Additional funds for such purpose may be raised by issuing bonds or notes.⁵⁶⁶

If the courthouse or jail is wholly or partly destroyed by fire or windstorm, it may be reconstructed or repaired by the board; bonds may be issued therefor; and a tax may be levied to retire the bonds.⁵⁶⁷

County buildings, not needed by the courts or for county business, may be leased to the city or town in which such buildings are located for a term not exceeding 10 years in any one lease,⁵⁶⁸ or to private persons or corporations for a term not exceeding five years.⁵⁶⁹

⁵⁶² Acts 1933; Burns 36-1109; Baldwin 8707.

⁵⁶³ Acts 1939; Burns, 1939 suppl., 36-714; Baldwin, 1939 suppl., 8619-1.

⁵⁶⁴ Acts 1932 (Spec. Sess.); Burns 36-905; Baldwin 8715. Acts 1937, 1939; Burns, 1939 suppl., 36-2804; Baldwin, 1939 suppl., 8695-4. Acts 1937; Burns, 1939 suppl., 36-2806; Baldwin, 1937 suppl., 8695-6.

⁵⁶⁵ 1 Rev. Stat. 1852; Burns 26-624; Baldwin 5240.

⁵⁶⁶ Acts 1917, 1920 (Spec. Sess.); Burns 26-2201 to 26-2210; Baldwin 5165 to 5174.

⁵⁶⁷ Acts 1935; Burns, 1939 suppl., 26-2011; Baldwin, 1935 suppl., 5240-1.

⁵⁶⁸ Acts 1909; Burns 26-1801 to 26-1804; Baldwin 5151 to 5154.

⁵⁶⁹ Acts 1919; Burns 26-1805 to 26-1810; Baldwin 5155 to 5160.

The board may construct and maintain public halls, and provide a custodian, janitor, lights, and heat therefor; and may join with a city for such purpose, or sell such halls to a city or town.⁵⁷⁰ The board may erect soldiers' monuments,⁵⁷¹ memorial buildings, auditoriums, and coliseums.⁵⁷²

Contracts for construction of public buildings may be let by the board of commissioners in pursuance of appropriation by the county council,⁵⁷³ after plans and specifications adopted by the board have remained in the auditor's office 30 days open to public inspection, notice inviting bids has been published, and bids, affidavits, and bonds have been received from bidders.⁵⁷⁴

DRAINAGE

Drainage districts and special assessment liens on the land in the benefited area, to pay for the drainage, may be established by the circuit court on petition of landowners, after reference to the surveyor.⁵⁷⁵ The petition will be dismissed if owners of two-thirds of the affected land remonstrate within 20 days.⁵⁷⁶ If the original assessment is insufficient to complete the work, an additional assessment may be ordered after report of the surveyor, notice to the land owners, and hearing by the court.⁵⁷⁷ After assessments are adjusted and confirmed, they are placed on the ditch duplicate and collected in the manner in which taxes are collected.⁵⁷⁸

The county surveyor has general supervision of the construction and maintenance of all ditches, drains, and levees. He makes all necessary surveys, maps, plans, and specifications when a court grants petitions for construction.⁵⁷⁹ The law requires that open ditches be cleaned out and repaired

⁵⁷⁰ Acts 1903, 1913; Burns 26-1901 to 26-1906; Baldwin 5146 to 5164.

⁵⁷¹ Acts 1865, 1891; Burns 26-1701; Baldwin 5298.

⁵⁷² Acts 1913; Burns 26-1707; Baldwin 5132.

⁵⁷³ Acts 1899; Burns 26-525; Baldwin 5389.

⁵⁷⁴ Acts 1899; Burns 26-537; Baldwin 5402. Acts 1907; Burns 26-2001 to 26-2005; Baldwin 5100 to 5104.

⁵⁷⁵ Acts 1933; Burns 27-104, 27-109, 27-116, 27-134; Baldwin 5740, 5745, 5752, 5770.

⁵⁷⁶ Acts 1933; Burns 27-108; Baldwin 5744.

⁵⁷⁷ Acts 1933; Burns 27-122; Baldwin 5758.

⁵⁷⁸ Acts 1933; Burns 27-134; Baldwin 5770.

⁵⁷⁹ Acts 1933; Burns 27-101, 27-201; Baldwin 5737, 5775. 1 Rev. Stat. 1852, Acts 1911; Burns 49-3309; Baldwin 5508.

biennially, and that weeds, willows, and debris be removed therefrom annually, and that public tile drains be repaired whenever necessary.⁵⁸⁰

The board of commissioners may, by purchase, or eminent domain, acquire lands and rights necessary to obtain a right-of-way for drainage or easement for sewers, when necessary for the proper maintenance of any county building or institution.⁵⁸¹

OTHER PUBLIC PROPERTY

The board of commissioners may, without petition, purchase or otherwise acquire lands within the county for park purposes and make the necessary improvements thereon.⁵⁸² If 200 persons, who are taxpayers and voters, petition the board to acquire land for park purposes, the board gives 60 days' notice by publication and conducts a public hearing on the question. If 20 percent of the resident taxpayers file remonstrances on or before the day fixed for hearing, the petition will be dismissed.⁵⁸³ The board may acquire land to convey to the state for park purposes, on petition of 200 persons who are taxpayers and voters, after publication of 30 days' notice, public hearing, consent of the governor and the director of the state department of conservation, fixing a tax levy, and issuing bonds (if needed). The petition will be dismissed if 25 percent of the resident taxpayers file remonstrances before the date fixed for hearing.⁵⁸⁴

The board of commissioners may acquire, by purchase or gift, any lands within the county for the purpose of a permanent public forest.⁵⁸⁵ Purchase for such purpose may be made on petition signed by 50 or more freeholders of the county, after publication of notice, a public hearing, and fixing a tax levy to pay for the same. Money may be raised by bond issue or temporary loan.⁵⁸⁶ A gift of lands to the county on condition that they be maintained as a public forest can be accepted only by a majority of the board of commissioners

⁵⁸⁰ Acts 1933, 1935; Burns, 1939 suppl., 27-203, 27-210; Baldwin, 1935 suppl., 5777, 5784.
Acts 1939; Burns, 1939 suppl., 27-233; Baldwin, 1939 suppl., 5794-9.

⁵⁸¹ Acts 1937; Burns, 1939 suppl., 26-640; Baldwin, 1937 suppl., 5236-1.

⁵⁸² Acts 1923, 1927; Burns 26-1501; Baldwin 5199.

⁵⁸³ Acts 1923; Burns 26-1503, 26-1504; Baldwin 5201, 5202.

⁵⁸⁴ Acts 1927; Burns 26-1512 to 26-1516; Baldwin 5190 to 5194.

⁵⁸⁵ Acts 1929; Burns 32-101; Baldwin 4875.

⁵⁸⁶ Acts 1929, 1935; Burns, 1939 suppl., 32-102; Baldwin, 1935 suppl., 4876.

and county council in joint session.⁵⁸⁷ Any taxpayer may appeal to the circuit court.⁵⁸⁸

Swamp lands, saline lands, and meander lands, owned by the state, may be purchased by the county to be used for a public park or public forest, or both, on order of the board of commissioners, on petition to the circuit court, appraisal of lands, and payment of value.⁵⁸⁹

The board may permit county lands within one and one-half miles of a city or town to be used by such city or town for park purposes. Title to the land remains in the county.⁵⁹⁰

The board, on petition of a majority of the voters in the county, may purchase land to be used for fairgrounds,⁵⁹¹ and thereafter sell such land or any part thereof, if it is no longer an eligible location for fairs.⁵⁹²

The county may, separately or in conjunction with another county or city, acquire, maintain, and dispose of airports and appurtenances necessary and useful in connection therewith.⁵⁹³

Lands conveyed to the board of commissioners for the purpose of a public or private cemetery must be held by the board forever in trust for such purpose,⁵⁹⁴ subject to the exceptions hereinafter stated. The board, in which title is vested, may convey any public cemetery to any city or town within the vicinity thereof on application of such city or town,⁵⁹⁵ and may convey any cemetery, public or private, to a cemetery association on petition of a majority of the persons, being residents of the county and heads of families, whose dead are buried in the cemetery.⁵⁹⁶

MISCELLANEOUS FUNCTIONS

The board of commissioners has power to make suitable rules and regulations covering traffic on roads maintained by the county, and to take steps necessary to enforce the rules. If such road is on a county line, the boards of commissioners

⁵⁸⁷ Acts 1929; Burns 32-105; Baldwin 4879.

⁵⁸⁸ Acts 1929, 1935; Burns, 1939 suppl., 32-109; Baldwin, 1935 suppl., 488-1.

⁵⁸⁹ Acts 1929; Burns 62-217 to 62-225; Baldwin 15260 to 15268.

⁵⁹⁰ Acts 1911; Burns 26-1526 to 26-1531; Baldwin 5181 to 5186.

⁵⁹¹ Acts 1873; Burns 26-1517, 26-1518; Baldwin 5330, 5331.

⁵⁹² Acts 1873; Burns 26-1519; Baldwin 5332.

⁵⁹³ Acts 1920 (Spec. Sess.), 1921; Burns 14-301 to 14-306; Baldwin 4021, 4023 to 4026.

⁵⁹⁴ 1 Rev. Stat. 1852; Burns 25-1521; Baldwin 10600.

⁵⁹⁵ Acts 1905; Burns 48-6003; Baldwin 12665.

⁵⁹⁶ Acts 1881 (Spec. Sess.); Burns 21-210, 21-211; Baldwin 4626, 4627.

of the respective counties, in joint session, may make and enforce the rules.⁵⁹⁷ The county surveyor or county highway supervisor may fix the limits of the loads for any road, bridge, or culvert maintained by the county.⁵⁹⁸

The constitution provides that improvement of agriculture shall be encouraged.⁵⁹⁹ Allowances may be made out of the county's general fund to agricultural societies for the promotion of agricultural and horticultural interests.⁶⁰⁰ Posey County has a county agricultural agent and a home demonstration agent, for the improvement of agriculture, home economics, and rural life.⁶⁰¹

RECORDS SYSTEM

The records of Posey County began with its creation in 1814. The establishment of each of the county offices and bureaus inaugurated their records which were kept in such fashion as the incumbents saw fit, following in the main the direction of the general assembly under the provisions for each office.

In 1909 the legislature established the state board of accounts, which formulates, prescribes, and installs systems of accounting and reporting which are uniform for every public office of the same class.⁶⁰² Under this law some of the records were combined to eliminate separation, duplication, and overlapping. The board also permits the use of bound loose-leaf records in almost all cases where the records are typed. The quality of the paper and ink and the binding and rebinding practices are left to the judgment of the board of commissioners, except that a good quality is required.

An act of 1927 provides that the board of commissioners may provide for the installation of a modern tax-accounting system in the offices of the treasurer and auditor, after a description thereof has been approved by the board of commissioners and certified to, and approved by, the state board

⁵⁹⁷ Acts 1919; Burns 36-706; Baldwin 8859. Interview of December 29, 1939 with T. A. Dicus, chairman of the state highway commission.

⁵⁹⁸ Acts 1933; Burns 36-1102, 36-1110; Baldwin 8700, 8708. Interview of December 29, 1939 with T. A. Dicus, chairman of the state highway commission.

⁵⁹⁹ Const. 1851, art. 8, sec. 1.

⁶⁰⁰ Acts 1877; Burns 15-314; Baldwin 5333.

⁶⁰¹ See the essay entitled "County Agricultural Agent."

⁶⁰² Acts 1909; Burns 60-202, 60-224; Baldwin 13855, 13875.

of accounts.⁶⁰³ No system has been established in Posey County under authority of this law.⁶⁰⁴

Whenever it may be necessary for the preservation of the records of any office, it is the duty of the board of commissioners to issue an order directing the officer in charge to copy and transcribe the records.⁶⁰⁵

In event of the loss or destruction, in whole or in part, of any of the county records, they must be replaced as follows: (a) The board of commissioners must send to the governor a certified list of such records furnished by the state, and he must order the proper state officer to replace them. (b) Records compiled in the county must be restored, if possible, from original documents by the county officer who had custody of the original records. (c) If impossible to reduplicate the old records, new records must be made on evidence taken from parties having knowledge of the facts concerned, by the proper officer or by a commissioner appointed by the board of commissioners for that purpose.⁶⁰⁶

In 1925 a law was passed permitting county officials, at their discretion, to turn over to the archives division of the Indiana State Library, for permanent preservation, any official books, records, documents, original papers, newspaper files, or printed books and material not in current use in their office.⁶⁰⁷ County officials have only occasionally availed themselves of this provision for permanent preservation of their old records.

An act of 1927 provided that deeds, mortgages, and other instruments may be recorded by a photographic process adopted by the board of commissioners.⁶⁰⁸ The photographic method of recording has never been used generally by any Posey County officer.

In 1937 the general assembly authorized the director of the state library, at his discretion, to make a copy, by photography or in any other way, of any official book, record, document, original paper, newspaper, or printed book or

⁶⁰³ Acts 1937; Burns, 1939 suppl., 60-238 to 60-240; Baldwin, 1937 suppl., 15868-1 to 15868-3.

⁶⁰⁴ Interview of May 18, 1939 with E. P. Brennan, state examiner.

⁶⁰⁵ Acts 1877; Burns 26-634; Baldwin 5339.

⁶⁰⁶ 2 Rev. Stat. 1852, Acts 1865; Burns 57-101 to 57-124; Baldwin 1168 to 1191. Acts 1881; Burns 57-208 to 57-210; Baldwin 1165 to 1167. Acts 1893; Burns 57-125, 57-211 to 57-214; Baldwin 1197, 1192 to 1195.

⁶⁰⁷ Acts 1925, 1937; Burns, 1939 suppl., 63-830; Baldwin, 1937 suppl., 10287.

⁶⁰⁸ Acts 1927; Burns 49-3207; Baldwin 14667.

material in any county, city, or other public office, for preservation in the state archives. All public officials must permit such copies to be made.⁶⁰⁹

In 1939 the legislature created in each county a commission of public records, consisting of the judge of the circuit court, the president of the board of commissioners, the county auditor, and the clerk of the circuit court. The commission must classify county records on the following basis: (a) Public records no longer of official or historical value; (b) public records which are of current official value and should be retained in the office where they are required to be filed; (c) public records of official value but which are consulted and used so infrequently that they are no longer of appreciable value to the officer with whom they are required to be filed; and (d) public records having historical value but no apparent official value. Records of class (a), which occupy space to no purpose in the offices and storerooms of the county, must, three years from the time they were originally filed (unless a law requires that they be kept for a longer period of time), be destroyed or otherwise disposed of, unless a law prohibits their destruction and unless such records are then in frequent use by the officer having charge of the office in which they are located. Records of class (b) will be retained in the office in which they were required to be filed. Records of classes (c) and (d) must be transferred to the state library three years after the date of the filing of such records, unless they are then in frequent use by the officer in charge of the office where they are located. In the event of such transfer, the records of class (c) will be added to the archives of the library while those of class (d) will constitute a part of the collection of such library.⁶¹⁰

An act of 1935 created, in the executive department of the state, a commission on public records, consisting of the governor, secretary of state, state examiner, director of the state library, and director of the historical bureau. This act is almost identical with the act of 1939 creating a commission of public records in each county, except as to the provisions as to what officers shall be ex officio members of the commission.⁶¹¹

⁶⁰⁹ Acts 1925, 1937; Burns, 1939 suppl., 63-830; Baldwin, 1937 suppl., 10287.

⁶¹⁰ Acts 1939; Burns, 1939 suppl., 49-3701 to 49-3710; Baldwin, 1939 suppl., 5492-1 to 5492-

10. See the essay entitled "Commission of Public Records."

⁶¹¹ Acts 1935; Burns, 1939 suppl., 63-1901 to 63-1910; Baldwin, 1935 suppl., 15400-1 to 15400-10.

3. HOUSING, CARE, AND ACCESSIBILITY OF THE RECORDS

After the location of the county seat at Blackford (January 1815), the county agent was authorized to receive bids for a courthouse and jail, and in May 1815, Jacob Winemiller contracted to build a log courthouse for \$125. Winemiller completed the building a year later, but the court decided it was not in accordance with the specifications and appointed John Stapleton and Elsberry Alexander to inspect it. This committee reported in July 1816, confirming the court's opinion, and \$10 were deducted from the contract price.¹

No courthouse was erected in Springfield for more than a year after the county seat was removed to that town; one historian thinks it likely that a building already on the land served this purpose.² At least, the board of commissioners designated the building where they met, whatever it was, as the "Court House."³

Abundant clay was available in the vicinity of Springfield, and the commissioners decided to use it in making brick for the new courthouse. An order passed in February 1819 authorized the agent to let the contracts for brick, stone, and woodwork in March.⁴ The letting of the contracts was postponed, for some reason, until April, at which time Joseph Spalding undertook to furnish the brick and a number of persons received contracts for stone, masonry, and woodwork. The courthouse, a two-story building 40' square, was completed in September 1822.⁵ Its total cost was about \$4,500.⁶

The relocating commissioners selected the site of Mount Vernon for the new county seat and reported that a "donation could be procured which . . . would be Sufficient to defray the Expense of Erecting good and Sufficient public buildings", and that Jesse Welbern had executed a contract and a bond for the same.⁷ Accordingly the board of justices (who had replaced the board of commissioners) ordered the clerk and recorder to move their offices to Mount Vernon on or before

¹ *History of Posey County, Indiana* (Chicago, Illinois, 1886), 332, 333.

² *Ibid.*, 336.

³ Commissioners' Record, A:96.

⁴ *Ibid.*, 169-171. *History of Posey County, Indiana* (1886), 337.

⁵ Commissioners' Record, A:174, 175, 185, 197, 198, 202-207, 215-217, 219-227, 231, 269; B:6, 77.

⁶ *History of Posey County, Indiana* (1886), 337. The old courthouse still stands. It is now used as a school.

⁷ Commissioners' Record, B:197.

June 10, 1825, and they themselves held the next session at that place.⁸ The sheriff was ordered to sell the courthouse and jail at Springfield separately, and it was stipulated that if Welborn purchased the old courthouse, the "Capital and size and description of the windows" of the courthouse he had contracted to build at Mount Vernon would be altered on the plan to conform with those of the Springfield courthouse; presumably to permit Welborn to use them.⁹ The old courthouse however, was sold to Darius North for \$380.¹⁰

The character of the temporary courthouse at Mount Vernon is not known; but apparently it was not as "Suitable" as the commissioners had thought, for only four months later, the sheriff was requested "to procure a Suitable house for holding Court."¹¹

No acceptance of the new courthouse appears in the record; it was in use, however, early in 1828, and doubtless was completed the preceding year. It was a two-story brick structure, with the courtroom in the lower story and three offices in the upper. The local Masons were permitted to finish a room in the garret for their own use.¹² The clerk's office occupied the southwest room on the second floor, until January 1837, when a fireproof office 26' by 20' was built on the square. The cost of this building was \$2,580.¹³

The courthouse was regarded as public property in the strictest sense of the word, much to the chagrin of the board of justices: "Ordered by the Court that there Shall Not be any School Kept in the Court House";¹⁴ "Ordered that the School Shall No longer be taught here and that the Clerk . . . Institute an action at Law against the teachers to Eject them or Either of them provided they do not desist Immediately from Keeping a School here";¹⁵ "It is the Opinion of the Court that it is Improper for any familys to be Admitted to Reside in the Court house";¹⁶ "if any family should accidentally get possession of the Court house, it is his [the clerk's] duty to

⁸ *Ibid.*, 198, 204.

⁹ *Ibid.*, 204, 205.

¹⁰ *Ibid.*, 209.

¹¹ *Ibid.*, 217.

¹² *Ibid.*, 264, 265.

¹³ *Ibid.*, D:197. *History of Posey County, Indiana* (1886), 342.

¹⁴ Commissioners' Record, B:347.

¹⁵ *Ibid.*, 382.

¹⁶ *Ibid.*, 393.

have them put out immediately by the Shortest process."¹⁷

The courthouse and office building continued to serve until the present courthouse was built, although it was necessary in 1830 to fill up the "Mud whole" at the rear of the courthouse.¹⁸

The first jail was situated in Blackford and was built at the same time as the first courthouse, the contract being given to Samuel Jones in May 1815, for \$565.¹⁹ Like the courthouse, the jail was built of logs, and like the courthouse, the court (which at that time governed the county) did not approve of the building, awarding Jones only \$422.87½ for his labors.²⁰ With the removal of the seat of justice to Springfield, the board of commissioners advertised for bids and laid plans for a jail at that town.²¹ Abner Coates accepted the contract at \$458.²²

The jail, completed the following year, was a timber building 16' square and two stories in height. The lower story had double walls 18" thick and was used for the confinement of criminals. A 16" floor separated the lower story from the upper; the latter was the debtors' prison, but debtors were usually allowed the freedom of the "prison bounds", a specially designated area of the town, fixed by the circuit court or the board of commissioners.²³ The jail was moved from the public square to lot No. 43 in 1819.²⁴ Like most jails of that period, it was not very secure and had to be guarded when criminals were incarcerated.²⁵ In 1825 Peter Saltzman was appointed "to put the jail in such order as Criminals Cannot Escape from Justice."²⁶ The jail was sold to William Hutchinson for \$10 when the county seat was removed to Mount Vernon.²⁷

A jail must have been included in the "public buildings"

¹⁷ *Ibid.*, C:4.

¹⁸ *Ibid.*, 50.

¹⁹ *History of Posey County, Indiana* (1886), 332.

²⁰ *Ibid.*, 333. Commissioners' Record, A:16. Note that the jail cost more than the courthouse.

²¹ Commissioners' Record, 35, 51, 52.

²² *Ibid.*, 66.

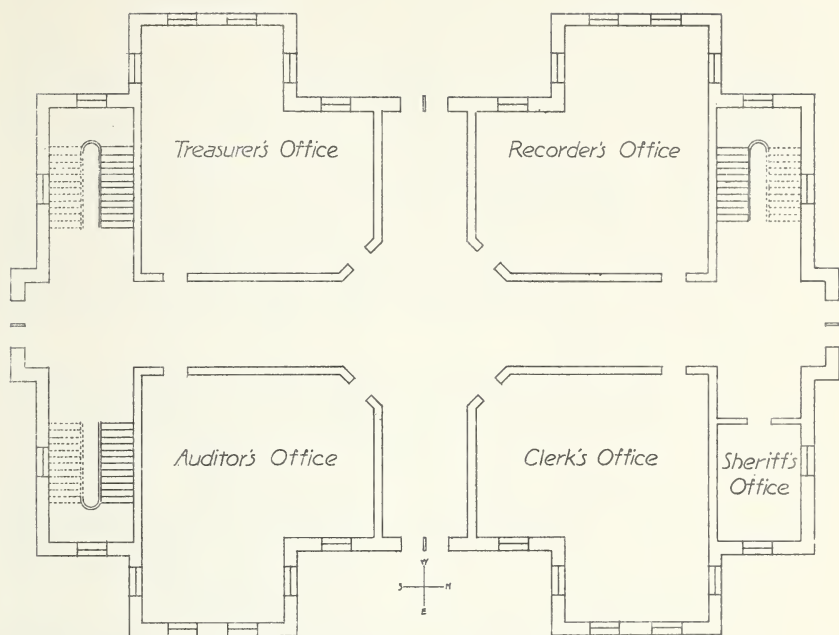
²³ *Ibid.*, 51, 52, 86. *History of Posey County, Indiana* (1886), 336.

²⁴ Commissioners' Record, A:195.

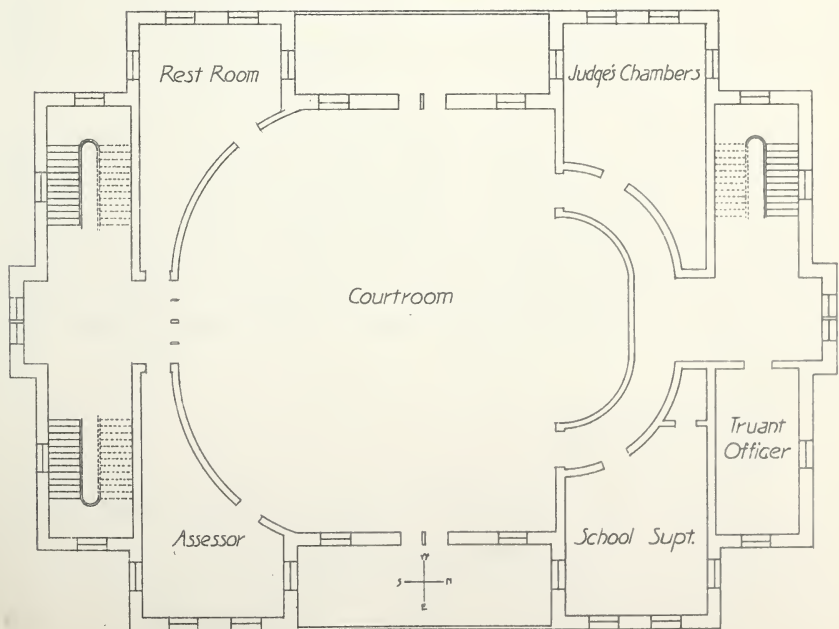
²⁵ *Ibid.*, 86.

²⁶ *Ibid.*, B:180.

²⁷ *Ibid.*, 209.



1st Floor - Posey County Courthouse



2d Floor - Posey County Courthouse

donated to the county upon the relocation of the seat of justice for it is mentioned subsequently in the record, although no order for its construction appears.²⁸ In January 1837 Felix Mills was authorized to receive bids for a new jail "to be Made and Completed in all Respects after the form fashion and Style of the Jail of Gibson County", and the old jail was ordered sold. The contract was let to Eben D. Edson and Charles Hovey for \$3,800, and the old jail was sold for \$65.²⁹ Arza Lee later took Edson's place, and the jail was completed the next year. It was located on the public square.³⁰ Plans for an addition to the jail were adopted in March 1855, and the contract was let to John R. Hugo, at \$7,603. The addition consisted of four cells and was completed and accepted in November of 1855.³¹

Vrydale and Clarke drafted plans for the present jail, which were adopted in 1877, and in December of that year John S. Eigenman and Company contracted to build the jail for \$17,700. In June 1879 the contractors demanded \$10,378 additional for "extras", which the county refused to pay. The resulting lawsuit was decided by the Supreme Court of Indiana in favor of the county. The total cost of the jail, including the sheriff's residence attached, was \$21,782.05.³²

In June 1873 William Loundon, John Pfeffer, James Sampson, Thomas Jacquess, and George W. Thomas were constituted a committee to consider plans for a new courthouse, to cost from \$50,000 to \$80,000. The plans of Vrydale and Clarke, who later designed the jail, were adopted in October. John Mannemy received the contract on February 4, 1874 on his low bid of \$74,400. The building was completed in 1876 at a total cost of \$95,000.³³

A limestone and brick structure 120' by 80' and 96' in overall height, it contains three stories and is surmounted by a tower. The first floor houses county offices; the second, the courtroom and the offices of the assessor and the superintendent of schools; the third floor and attic contain storage rooms where old records are kept. Flooring in the first story is marble; in other stories, wood. Walls and ceilings are plastered.

²⁸ *Ibid.*, 314; C:30, 76, 174.

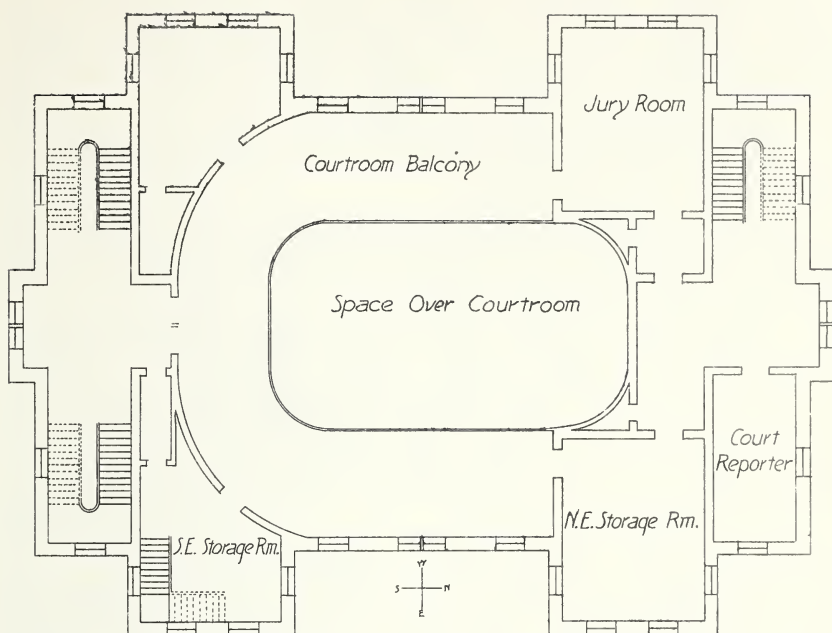
²⁹ *Ibid.*, 206, 207, 219, 220.

³⁰ *History of Posey County, Indiana* (1886), 342.

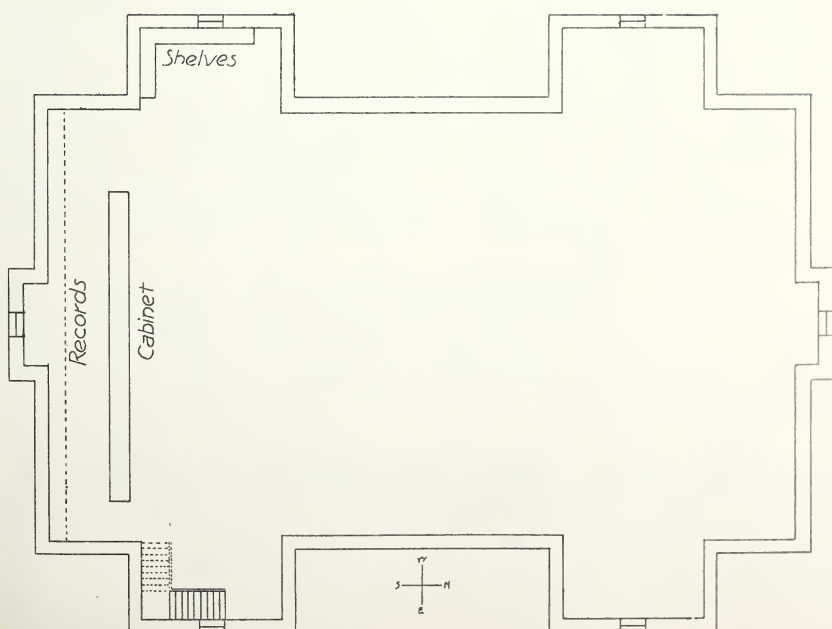
³¹ *Ibid.*, 343. John C. Leffel, *History of Posey County, Indiana* (Chicago, Illinois, 1913), 70.

³² *Ibid.*

³³ *History of Posey County, Indiana* (1886), 344. Leffel, *op. cit.*, 70.



3d Floor - Posey County Courthouse



Attic - Posey County Courthouse

The Memorial Coliseum at Third and Walnut streets, Mount Vernon, was built in 1926 at a cost of \$196,000. It is 110' by 90' and 70' in height and is constructed of yellow brick and Bedford limestone. The surveyor and public health nurse have offices in this building.

A description of the present housing of county records follows. Conditions under which the records are housed are good unless otherwise noted:

Board of Commissioners. Ninety-seven percent of the records are in the auditor's office, and 3 percent are in the southeast storage room on the third floor.

County Council. All the records are in the auditor's office.

Clerk of the Circuit Court. The clerk's office is one of four, L-shaped and identical in size, which occupy the four corners of the first floor. The recorder, treasurer, and auditor occupy the remaining rooms. The office is 30' by 28' by 12' and contains 750' of shelving, on which are housed 192' of volumes and 536' of unbound records in file boxes 10" deep. A small amount of shelving is unoccupied, but there is no space for more. Thirty-eight percent of the clerk's records are kept here, 54 percent in the northeast storage room on the third floor, and 8 percent in the attic storage room. Besides the clerk's, the office houses portions of the records of the circuit court, the coroner, the prosecuting attorney, the registration officer, and the three election boards.

Recorder. The recorder's office is identical in dimensions with the clerk's and lies at the northwest corner of the first floor. Six hundred and forty-six feet of shelving house 583' of volumes and 35' of unbound records in file boxes 10" deep. About 24' of shelving are available for expansion of the records, but beyond this there is no free space. All the recorder's records, excepting 1 volume, are housed here; the volume is kept in the southeast storage room. A few records of the circuit court, the assessor, and the auditor are also kept in this office.

Circuit Court. Approximately 27 percent of the records are in the clerk's office and 73 percent in the northeast storage room. Two volumes are in the recorder's office and 2 file boxes in the auditor's office; these comprise less than 1 percent of the whole.

Sheriff. Immediately north of the clerk's office is the sheriff's office, a room 14' by 10' by 12'. Six feet of the shelving along the south wall house 4' of volumes. Space is adequate. Seventy-eight percent of the records are here, and the remainder are in the northeast storage room.

Coroner. The coroner's office is located at present at the professional office of the incumbent, 108 East Fourth Street, Mount Vernon. Records kept at this location consist of 3' of volumes. Twenty-two percent of the records are here, 11 percent are in the clerk's office, 56 percent in the northeast storage room, and 11 percent in the attic storage room.

Prosecuting Attorney. The one record kept by this official is in the clerk's office.

County Assessor. The assessor's office, located at the southeast corner of the second floor, is 23' by 18' by 12'. Twenty-four feet of shelving lie along the south and east walls and three file boxes on the shelving are occupied by records. The remainder of the assessor's records, comprising 1 file drawer, is in the recorder's office. The office houses in addition to the assessor's records, portions of the records of the auditor and the highway supervisor.

County Board of Review, County Board of Tax Adjustment, Board of Finance, County School Fund Board. All the records of these boards are in the auditor's office.

Treasurer. The treasurer's office, at the southwest corner of the first floor, is 30' by 28' by 12'. Equipped with 83' of shelving, it houses 60' of volumes. Twenty-three feet of shelving are available for expansion of the records, which comprise a few of the auditor's as well as 13 percent of the treasurer's. Thirteen percent are in the southeast storage room, and 74 percent are in the attic storage room.

Auditor. The auditor's office, at the southeast corner of the first floor, is identical in size with the treasurer's and is equipped with 759' of shelving situated along the north, south, and west walls. Three hundred and twenty feet of volumes and 423' of unbound records in file boxes 10" deep are kept here. The shelving is wholly occupied, and there is no space for more. Records of the board of commissioners'; the county council; the circuit court; the boards of review, tax adjustment, and finance; the school fund board; and the highway supervisor, as well as those of the auditor, are housed in this room. The auditor's records are distributed as follows: Auditor's office, 20 percent; recorder's office, 2 percent; assessor's office, 1 percent; treasurer's office, 3 percent; southeast storage room, 4 percent; and the attic storage room, 70 percent.

Registration Officer. Ninety-four percent of the records are in the clerk's office, and 6 percent are in the attic storage room.

Board of Primary Election Commissioners, County Board of Canvassers, County Board of Election Commissioners. The records of these boards are combined. Eighty percent of the records of the first and last-named boards are in the clerk's office and 20 percent in the attic storage room. The record of the board of canvassers occupies part of 1 volume, which is in the clerk's office.

County Board of Education. This board keeps 1 record—a set of 4 volumes—which is housed in the office of the superintendent of schools.

County Superintendent of Schools. An office 19' by 13' by 10', at the northeast corner of the second floor, is occupied by the superintendent of schools and houses all his records. The office is equipped with a total of 84' of shelving, 5' of which are occupied by volumes, and 39' by unbound records. Excepting the unoccupied shelving, there is no space for expansion of the records.

County Health Officer. The health officer's records are kept at present in the professional office of the incumbent, Dr. W. E. Jenkinson, in Mount Vernon. The records comprise 6' of volumes and are housed on shelving.

Public Health Nurse. The office of the public health nurse occupies a room 26' by 17' by 14' in the Memorial Coliseum, at the northwest corner of the first floor. Six file drawers house the records; the present equipment is adequate and will permit expansion of the records.

County Department of Public Welfare. The welfare office is located at 114 West Second Street, Mount Vernon. The office is 16' by 12' by 10' and contains 20' of shelving. Twelve volumes and 3 file drawers of unbound records—comprising all the records of the department—are housed in this room. Ample space is available for expansion of the records.

Surveyor. The surveyor's office occupies 2 rooms, each 14' by 12' by 10', in the basement of the Memorial Coliseum. The rooms are equipped with a total of 67' of shelving and house 3' of volumes and 31' of maps, plans, and blueprints. Beyond the unoccupied shelving, no space is available for expansion of the records, all of which are kept here.

County Highway Supervisor. Thirteen percent of the records are in the assessor's office and 87 percent in the auditor's office.

County Agricultural Agent. The agricultural agent occupies a room in the Post Office Building at 3rd and Walnut Streets, Mount Vernon. Ten file draws contain unbound records—all those kept by the agent. Some expansion is permitted by the present equipment.

Storage Rooms. Three rooms—2 on the third floor and 1 in the attic—are used for the storage of older records. The northeast storage room on the third floor is 20' by 19' by 10' and is well lighted and well ventilated, although some dust is present. Five hundred and seventy-seven feet of shelving carry 48' of volumes and 483' of unbound records in file boxes 10" deep. Forty-seven feet of shelving are unoccupied, but there is no further space for expansion. Much the same conditions obtain in the southeast storage room (third floor), which is 20' by 9' by 10'. Here 99' of shelving house 87' of volumes, leaving 12' of shelving unoccupied.

The attic storage room occupies the southwest corner of the attic, and, although dusty, is in fairly good condition; but no accommodations for users of the records are provided. The room measures 50' by 10' by 8' and houses 164' of volumes on 189' of shelving. Ample space for additional shelving is available.

The storage room contains records of the board of commissioners, the clerk, the recorder, the circuit court, the sheriff, the coroner, the treasurer, the auditor, the registration officer, and the election boards.

4. BIBLIOGRAPHY

PRIMARY SOURCES

CONSTITUTIONS

"*Constitution of the State of Indiana, 1816*", in *Revised Statutes of the State of Indiana, 1843* (Indianapolis, Indiana, John Dowling and R. Cole, 1843), 38-64.

"*Constitution of the State of Indiana, 1851*", in Harrison Burns, editor, *Annotated Indiana Statutes, Containing All Acts of a General and Public Nature in Force September 1, 1933* (Indianapolis, Indiana, Bobbs-Merrill Company, 1933-), 1:1-122.

Indiana Legislative Bureau, *Constitution of the State of Indiana and of the United States* (Indianapolis, Indiana, Wm. B. Burford Printing Co., 1938).

Kettleborough, Charles, *Constitution Making in Indiana*, published as vols. 1, 2, and 17 of the *Indiana Historical Collections* (Indianapolis, Indiana, Indiana Historical Bureau, 1916, 1930).

Poore, Benjamin Perley, editor, *The Federal and State Constitutions, Colonial Charters, and Other Organic Laws of the United States* (2 vols., Washington, D. C., U.S. Government Printing Office, 1877).

Thorpe, Francis Newton, editor, *The Federal and State Constitutions, Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America* (7 vols., Washington, D. C., U. S. Government Printing Office, 1909).

CODES

- Indiana General Assembly, *The Revised Laws of the State of Indiana, 1824* (Corydon, Indiana, Carpenter and Douglass, 1824).
- Indiana General Assembly, *The Revised Laws of the State of Indiana, 1831* (Indianapolis, Indiana, Douglass and Maguire, 1831).
- Indiana General Assembly, *The Revised Statutes of the State of Indiana, 1838* (Indianapolis, Indiana, Douglass and Noel, 1838).
- Indiana General Assembly, *The Revised Statutes of the State of Indiana, 1843* (Indianapolis, Indiana, John Dowling and R. Cole, 1843).
- Indiana General Assembly, *The Revised Statutes of the State of Indiana, 1852* (2 vols., Indianapolis, Indiana, J. P. Chapman, 1852).
- United States Congress, *The Code of the Laws of the United States of America of a General and Permanent Character in Force January 3, 1935* (Washington D. C., U. S. Government Printing Office, 1935). Cited herein as U. S. C.
- United States Congress, *Cumulative Supplement V, January 3, 1935 to November 4, 1939 to the Code of the Laws of the United States of America* (Washington, D. C., U. S. Government Printing Office, 1939).

QUASI-CODE

- Indiana General Assembly, *The Revised Statutes of the State of Indiana, 1881* (Chicago, Illinois, E. B. Myers and Co., 1881). Prepared by order of the Indiana General Assembly but never officially adopted as a code by that body.

STATUTES

- Baldwin, William E., editor, *Baldwin's Indiana Statutes Annotated 1934, Complete in One Volume, Containing All General Laws to January 1, 1934* (Cleveland, Ohio, Banks-Baldwin Law Publishing Co., 1934). With supplements 1935, 1937, 1938, and 1939. (The year is given in references only in citations to supplements. Numbers refer to sections which run in one continuous series).
- Burns, Harrison, editor, *Annotated Indiana Statutes, Containing All Acts of a General and Public Nature in Force September 1, 1933* (12 vols., Indianapolis, Indiana, The Bobbs-Merrill Co., 1933).

- With supplement 1939 in pocket of cover in each volume. (The year is given in references only in citations to supplements. Numbers refer to sections which run in one continuous series, as explained in Burns, 1:iii-iv).
- Ewbank, Louis B., and Riker, Dorothy L., editors, *The Laws of Indiana Territory, 1809-1816*, published as vol. 20 of the *Indiana Historical Collections* (Indianapolis, Indiana, Indiana Historical Bureau, 1934).
- Hening, William W., editor, *The Statutes at Large, Being a Collection of All the Laws of Virginia, from the First Session of the Legislature in the Year 1619*, vol. 9 (Richmond, Va., J. and G. Cochran, 1821).
- Indiana General Assembly, *Laws of the State of Indiana, 1816-Session laws, cited herein under the binder's title, Acts.* (Corydon, Fort Wayne, and Indianapolis, Indiana, various public printers, 1817-).
- Kappler, Charles J., *Indian Affairs. Laws and Treaties, printed as U. S. Senate Document No. 452, 57th Congress, 1st Session* (2 vols., Washington, D. C., U. S. Government Printing Office, 1904).
- Pease, Theodore C., editor, *The Laws of the Northwest Territory, 1788-1800*, published as vol. 17 of the *Collections of the Illinois State Historical Library* (Springfield, Illinois, Illinois State Historical Library, 1925).
- Philbrick, Francis S., editor, *The Laws of Indiana Territory, 1801-1809*, published as vol. 21 of the *Collections of the Illinois State Historical Library* (Springfield, Illinois, Illinois State Historical Library, 1930; reprinted with supplementary Indiana material by the Indiana Historical Bureau, Indianapolis, Indiana, 1931).
- Rauch, John G., and Armstrong, Nellie C., *A Bibliography of the Laws of Indiana, 1788-1927*, published as vol. 16 of the *Indiana Historical Collections* (Indianapolis, Indiana, Indiana Historical Bureau, 1928).
- United States Congress, *The Statutes at Large of the United States of America, 1789-.* (17 vols., Boston, Mass., Little and Brown, 1845-73; vol. 18-, Washington, D. C., U. S. Government Printing Office, 1875-).

DECISIONS AND OPINIONS

- Indiana Appellate Court, *Reports of Cases Argued and Determined in the Appellate Court of the State of Indiana, 1890-.* (Indianapolis, Indiana, various public printers, 1891-). Cited herein as Ind. App.

Indiana Attorney General, *Opinions of the Attorney General of Indiana*, 1916-. (Fort Wayne and Indianapolis, Indiana, various public printers, 1917-).

Indiana Supreme Court, *Reports of Cases Argued and Determined in the Supreme Court of Judicature of the State of Indiana*, 1817-. (Indianapolis, Indiana, various public printers, 1862-). 8 volumes, covering the years 1817 to 1847, are cited as Blackford, from the name of the reporter, Isaac Blackford. Beginning with the volume for 1847 the pagination starts again with one and the volumes are cited as Ind.

North Eastern Reporter. *Cases Argued and Determined in the Courts of Indiana, Illinois, Ohio, New York, Massachusetts*, 1885-. (St. Paul, Minnesota, West Publishing Co., 1885-). Cited herein as N. E.

Posey County Circuit Court, Civil Order Book, 1815-. Manuscript record in the office of the clerk of the circuit court. See entry 114.

MEMOIRS

Owen, Robert Dale, *Threading My Way* (New York, N. Y., G. W. Carleton and Co., 1874).

REPORTS AND STATE PAPERS

Bonsteel, J. A., "The Miami Series of Soils", *U. S. Department of Agriculture, Bulletin No. 142* (Washington, D. C., U. S. Government Printing Office, 1914).

Carter, Clarence E., editor, *The Territorial Papers of the United States* (Washington, D. C., U. S. Government Printing Office, 1934-).

Indiana, *Annual Report of the Department of Geology and Natural Resources*, 1869-. (Fort Wayne and Indianapolis, Indiana, various public printers, 1870-). Series cited herein as *Indiana Geological Report*.

Indiana, *Executive Proceedings*, 1823-36. Manuscript volume in the vaults of the Indiana Secretary of State.

Indiana, *Record Book A* [Executive Journal of Indiana Territorial and State Governments, 1800-1823]. Manuscript volume in Indiana State Library.

Indiana, *Report of the State Superintendent of Public Instruction*, 1862-1916 (Indianapolis, Indiana, various public printers, 1862-1916).

Indiana, "Report of the State Superintendent of Public Instruction", 1917-, in *Year Book of the State of Indiana*, 1917-.

- Indiana, *Year Book of the State of Indiana*, 1917-. Published by the Indiana Legislative Bureau, 1917-33; by the Division of Accounting and Statistics, 1934- (Fort Wayne and Indianapolis, Indiana, various public printers, 1918-).
- "Indiana Crops and Live Stock", *Bulletin No. 159* (West Lafayette, Indiana, published by the U. S. Department of Agriculture and the Purdue University Agricultural Experiment Station, 1938).
- Indiana Division of School Inspection, *Indiana School Directory, 1938-1939* (Indianapolis, Indiana, Wm. B. Burford Printing Co., 1938).
- Indiana State Planning Board, *Preliminary Survey of County Planning Problems in Indiana Counties* (typewritten, 1935-36; in Indiana State Library).
- Marean, Herbert W., "Soil Survey of Posey County, Indiana", *U. S. Department of Agriculture, Fourth Report of Field Operations of Soils* (Washington, D. C., U. S. Government Printing Office, 1902).
- Posey County, Commissioners' Record, 1817-. Manuscript record in the office of the Posey County Auditor. See entry 1.
- Snider, Clyde Frank, and Sappenfield, Max M., "County and Township Government in Indiana", in *Report of the Indiana State Committee on Governmental Economy* (Indianapolis, Indiana, Wm. B. Burford Printing Co., 1935).
- Smith, William H., editor, *The St. Clair Papers . . .* (Cincinnati, Ohio, Robert Clarke and Co., 1882).
- United States Congress, *American State Papers, Indian Affairs* (Washington, D. C., Gales and Seaton, 1832).
- United States Congress, *Annals of Congress of the United States. First Congress to Eighteenth . . . March 3, 1789-May 27, 1824* (43 vols., Washington, D. C., Gales and Seaton, 1834-56).

CENSUS

- United States Census Office, *Compendium of the Enumeration of the Inhabitants and Statistics of the United States, as Obtained . . . from the Returns of the Sixth Census: 1840* (Washington, D. C., Thomas Allen, 1841).
- United States Census Office, *Eleventh Census of the United States: 1890, Population*, pt. 1 (Washington, D. C., U. S. Government Printing Office, 1895).
- United States Department of Agriculture, *United States Census of Agriculture: 1935* (Washington, D. C., U. S. Government Printing Office, 1937).

- United States Department of Commerce, Bureau of the Census, *Fourteenth Census of the United States: 1920, Population*, vol. 1 (Washington, D. C., U. S. Government Printing Office, 1921).
- United States Department of Commerce, Bureau of the Census, *Fifteenth Census of the United States: 1930, Population*, vol. 3, *Agriculture*, vol. 2 (Washington, D. C., U. S. Government Printing Office, 1932).

NEWSPAPERS

- New Harmony Gazette*, 1825-1827.
- New Harmony Times*, January and February, 1937.
- Niles' Weekly Register* (Baltimore, Md.), April 17, 1819.

SECONDARY WORKS

HISTORIES

- Barce, Elmore, *The Land of the Miami* (Fowler, Indiana, Benton Review Shop, 1922).
- Burnet, Jacob, *Notes on the Early Settlement of the Northwest Territory* (Cincinnati, Ohio, Derby, Bradley and Co., 1847).
- Esarey, Logan, *A History of Indiana* . . . (2 vols., Indianapolis, Indiana, W. K. Stewart Co., B. F. Bowen Co., 1915, 1918).
- History of Posey County, Indiana* (Chicago, Illinois, Goodspeed and Bros., 1886).
- Leffel, John C., editor, *History of Posey County, Indiana* (Chicago, Illinois, Standard Publishing Co., 1913).
- Smith, William H., *The History of the State of Indiana* . . . (2 vols., Indianapolis, Indiana, Western Publishing Co., 1903).
- Woollen, William Wesley, *Biographical and Historical Sketches of Early Indiana* (Indianapolis, Indiana, Hammend and Co., 1883).

MONOGRAPHS

- Blackburn, Glen A., "Interurban Railroads of Indiana", *Indiana Magazine of History*, December 1924 (Bloomington, Indiana, Indiana University, 1924).
- Burns, Lee, "The Ohio River, Its Influence on the Development of Indiana", *Indiana Magazine of History*, June 1923 (Bloomington, Indiana, Indiana University, 1923).
- Cottman, George S., "Internal Improvements in Indiana", *Indiana Magazine of History*, March 1907 (Bloomington, Indiana, Indiana University, 1907).
- Cotton, Fassett A., *Education in Indiana, 1793-1934* (Bluffton, Indiana, The Progress Publishing Co., 1934).

- Craig, Oscar J., "Ouiatanon", *Indiana Historical Society Publications*, vol. 2, no. 2 (Indianapolis, Indiana, Indiana Historical Society, 1898).
- Duss, J. S., *George Rapp and His Associates* (Indianapolis, Indiana, The Hollenbeck Press, 1914).
- Feightner, Harold C., "Indiana County Government", *Indiana History Bulletin*, March 1932 (Indianapolis, Indiana, Indiana Historical Bureau, 1932).
- Flower, George, *History of the English Settlement in Edwards County, Illinois*, published as vol. 1 of *Chicago Historical Society Collections* (Chicago, Illinois, Fergus Printing Co., 1882).
- Gannett, Henry, "The Origin of Certain Place Names in the United States", *U. S. Department of the Interior, Bulletin No. 258* (Washington, D. C., U. S. Government Printing Office, 1905).
- Harrison, William Henry, *A Discourse on the Aborigines of the Valley of the Ohio* (Boston, Mass., Wm. D. Ticknor, 1840).
- Hibbard, Benjamin H., *A History of the Public Land Policies* (New York, The Macmillan Co., 1924).
- Hogue, Rolla M., "Life in Indiana, 1800-1820", *Indiana Magazine of History*, June 1913 (Bloomington, Indiana, Indiana University, 1913).
- Latta, William Carroll, *Outline History of Indiana Agriculture* (Lafayette, Indiana, published by Alpha Lambda Chapter of Epsilon Sigma Phi, in co-operation with Purdue University and the Indiana County Agricultural Agents Association, 1938).
- Lockwood, George B., *The New Harmony Movement* (New York, N. Y., D. Appleton and Co., 1905).
- Monks, Leander J., Esarey, Logan, and Shockley, Ernest V., editors, *Courts and Lawyers of Indiana* (3 vols., Indianapolis, Indiana, Federal Publishing Co., 1916).
- Pence, George, and Armstrong, Nellie C., *Indiana Boundaries: Territory, State and County*, published as vol. 19 of the *Indiana Historical Collections* (Indianapolis, Indiana, Indiana Historical Bureau, 1933).
- Phillips, Paul C., "Vincennes in Its Relation to French Colonial Policy", *Indiana Magazine of History*, December 1921 (Bloomington, Indiana, Indiana University, 1921).
- Quaife, M. M., "Fort Wayne in 1790", *Indiana Historical Society Publications*, vol. 7 no. 7, (Greenfield Indiana, Indiana Historical Society, 1921).
- Roy, Pierre Georges, "Sieur de Vincennes Identified", *Indiana Historical Society Publications*, vol. 7, no. 1 (Indianapolis, Indiana, Indiana Historical Society, 1923).

- Snider, Clyde Frank, *County and Township Government in Indiana* (Urbana, Illinois, University of Illinois, 1936).
- Snider, Clyde Frank, "Indiana Counties and Townships", *Indiana Magazine of History*, June 1937 (Bloomington, Indiana, Indiana University, 1937).
- Visher, Stephen S., "Indiana Regional Contrasts in Soil Erosion and Their Chief Causes", *Proceedings of the Indiana Academy of Science*, vol. 46 (Fort Wayne, Indiana, Fort Wayne Printing Co., 1937).
- Wakefield, Walter J., "County Seminaries in Indiana", *Indiana Magazine of History*, June 1915 (Bloomington, Indiana, Indiana University, 1915).

5. ABBREVIATIONS, SYMBOLS, AND EXPLANATORY NOTES

The Style Manual of the United States Government Printing Office is the authority followed herein.

agr. agt.	agricultural agent('s)
alph.	alphabetical(ly)
App.	Appellate Court reports of the State of Indiana
approx.	approximate(ly)
arr.	arranged
art.	article
assr.	assessor('s)
aud.	auditor('s)
bd.	board
bdl.	bundle(s)
bk.	book
Blackf.	<i>Blackford Reports</i> (Supreme Court of Indiana)
bldg.	building
bsmt.	basement
c	copyright (before date)
C. C.	County Courthouse
cf.	compare
ch.	chapter
chron.	chronological(ly)
cir. ct.	circuit court
clk.	clerk('s)
comr.	commissioner(s')
Const.	Constitution of Indiana

cor.	coroner
ct. rept.	court reporter
diam.	diameter
et	and
et al.	et alii—and others
et seq.	et sequentia—and following
ex rel.	ex relatione—upon relation of. (Designates the person at whose instance the state or a public officer is acting)
f. b.	file box(es)
f. d.	file drawer(s)
fl.	floor
hdw.	handwritten
H. J.	House Journal (Indiana House of Representatives)
hlth. offr.	health officer('s)
hwy. sup.	highway supervisor('s)
ibid.	ibidem (same reference as that immediately foregoing)
Ind.	Indiana: <i>Indiana Reports</i> (when preceded by the volume number, reference is to the official state supreme court reports)
insp.	inspector
juv.	juvenile
lb.	pound
loc. cit.	loco citato—in the place cited. (After the name of book or article, refers to previous page(s) cited in the same work)
mi.	mile
n.	note
n. d.	no date
N. E.	North Eastern Reporter (judicial decisions). 2d—Second series.
no., nos.	number(s)
num.	numerically
off.	office
offr.	officer
op. cit.	opere citato—in the work cited. (After author's name, refers to previous work cited under his name)
p., pp.	page(s)
passim	here and there (referring to references too numerous to enumerate)

<i>pro tem.</i>	<i>pro tempore</i>
prob. comr.	probate commissioner
prosec. atty.	prosecuting attorney('s)
pt.	part
ptd.	printed
pub. welf.	public welfare
pvt.	private
rec.	record
recr.	recorder('s)
reg.	register
Rev. Laws	<i>Revised Laws of the State of Indiana</i>
Rev. Stat.	<i>Revised Statutes of the State of Indiana</i>
rm.	room
sec., secs.	section(s)
sher.	sheriff('s)
<i>sic</i>	thus (indicating expression, misspelling, etc., is the same as in the original)
S. J.	<i>Senate Journal</i> (Indiana Senate)
Spec. Sess.	Special Session
sta.	station
stat.	statutes
stor.	storage
sub-bsmt.	sub-basement
suppl.	supplement
supr. ct.	superior court
supt.	superintendent('s)
surv.	surveyor('s)
treas.	treasurer('s)
twp., twps.	township(s)
U. S.	United States
U. S. C.	<i>United States Code</i>
v.	versus
vol., vols.	volume(s)
vt.	vault
'	foot, feet
"	inch(es) (omitted after dimensions in entries)
x	by, in dimensions

EXPLANATORY NOTES

The inventory of the records of each branch of the county government is preceded by an essay explaining its legal status and functions.

In some instances, records shown as being legally required do not appear in the inventory. Such omissions reflect the record situation and are not the result of an inadequate survey.

Entries are grouped according to a functional classification, with headings and subheadings according to relative functions and with cross-references to allied subjects. Every entry has two parts or paragraphs: Title and description. Occasionally an entry has a third (cross-reference) paragraph.

I. The title paragraph consists of:

Entry number. The entries are numbered consecutively.

Exact title (in capitals and small capitals) as it appears on the record. Titles enclosed in brackets are supplied by the Historical Records Survey, if the volume or file bears no title. Supplementary titles (in capitals and lower-case letters), enclosed in brackets, are also supplied where it is necessary to explain the types of records more fully, or where the exact title borne by the record is incorrect, misleading, or nondescriptive.

Dates of the period covered by the record, showing inclusive beginning and ending dates by years only. Missing records are indicated by a break in the dates. A dash in place of an ending date denotes an open record. In entries, where one or more records are replaced by another record, the month and day are given for the discontinued record. In entries of open records, when the last entry is not current, a note follows: "Last entry"—with day, month, year. Where no statement is made that the record was discontinued at the last date shown in the entry, it could not be definitely established that such was the case. Where no comment is made on the absence of prior or subsequent records, no definite information could be obtained.

Quantity and labelling, given in chronological order wherever possible.

Variations in title. Current or most recent title used as entry title; if former titles vary, they are shown.

Changes in keeping records. Occasionally the county record is discontinued or is kept by some other authority—state or other county office.

II. The description consists of:

A statement of the nature, contents, and purpose of the record, with a summary of the column headings or subjects treated. The current record, except as otherwise noted, is described. The contents over a long period of years may themselves vary; therefore, over the entire period the description may vary to some degree. In the description of

map and plat records, the scale and the names of author and publisher are given whenever available. No mention thereof denotes that these data are not known.

Method of arrangement: Chronological, topical, or other system.

Method of indexing, pertaining to self-contained indexes. Separate indexes are noted also, with a cross-reference thereto.

Nature of recording: Handwritten, typewritten, or printed. Modern records are almost exclusively in printed form, filled in by hand or typewritten as stated in entry. Maps and plats are drawn, blueprinted, or printed.

Condition. Omitted if good or excellent.

Number of pages averaged for a series.

Size of volumes in the order of height, width, and thickness, averaged for a series; of file boxes and file drawers, in the order of height, width, and depth. It is given in inches in all instances; hence the inch sign is omitted.

Location. The place of custody (the room in which the records are located) is in the courthouse unless another building is specified either in the entry or in the essay on the legal status of the office. The locations given are those effective at the time the survey was made.

III. Cross-references:

Title-line cross references are used to show continuity of a record series which has been kept separately for a period and with other records for different periods of time. An example is that in the title line of entry 26: "1870-1914, 1930—in Official Bonds, entry 25." They are also used in all artificial entries, those set up to cover records which must be shown separately under their proper office even though they are kept in files, or records appearing elsewhere in the inventory, as, for example, the title-line cross reference in entry 267, "In [Election Papers], entry 272." In both instances the description of the master entry or entry of miscellaneous contents shows the title and number of the entry in which the record is described (the entry from which the title-line cross reference is made), as, for example, in entry 1: "Also contains: Claim and Allowance Record, 1817-71, entry 14." Dates shown in such a cross reference are only for the part or parts of the record contained therein, and are shown only when they vary from those of the master entry.

Separate third-paragraph cross references from entry to entry, and *See also* references with subject headings or sub-headings are used to guide the reader to prior, subsequent, or related records which are not parts of the same series.

PART B. COUNTY OFFICES AND THEIR RECORDS

I. BOARD OF COMMISSIONERS

LEGAL STATUS

The board of commissioners of Posey County exists under the mandatory provisions of an act of 1852. The board is composed of three members¹ elected for terms of three years, each term commencing in a different year,² and an incumbent remains in office until his successor has been elected and qualified.³ A commissioner receives a certificate of election from the clerk of the circuit court, and is not commissioned by the governor.⁴ The county is divided into three districts; and one commissioner is elected from the residents of each district by the voters of the whole county.⁵ Each commissioner must be an elector of the county; must have been an inhabitant of the county during one year next preceding his election or appointment;⁶ must reside within the county while holding this office; must not hold any other lucrative office;⁷ and must take an oath to support the state and federal constitutions and faithfully discharge his duties.⁸ A regular salary of \$300 per year is received by each member of the board.⁹

For sufficient legal grounds any county commissioner may be removed from office by the circuit court, after trial by jury on an accusation presented by the grand jury or verified by the oath of any person; and such removal is subject to

¹ 1 Rev. Stat. 1852, Acts 1929; Burns 26-601; Baldwin 5215.

County Commissioners are not constitutional officers. State *ex rel.* Workman v. Goldthait (1909) 172 Ind. 210, 87 N. E. 133.

² 1 Rev. Stat. 1852; Burns 26-603; Baldwin 5217. Acts 1885; Burns 26-604; Baldwin 5218.

³ Const. 1851, art. 15, sec. 3. Acts 1885; Burns 26-604; Baldwin 5218.

⁴ Const. 1851, art. 15, sec. 6. 1 Rev. Stat. 1852; Burns 49-201, 49-202; Baldwin 13095, 13096.

⁵ 1 Rev. Stat. 1852; Burns 26-602; Baldwin 5216.

⁶ Const. 1816, art. 11, sec. 14. Const. 1851, art. 6, sec. 4.

⁷ Const. 1816, art. 11, secs. 6, 13. Const. 1851, art. 2, sec. 9; art. 6, sec. 6.

⁸ Const. 1851, art. 15, sec. 4. Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 26-605; Baldwin 5219.

⁹ Acts 1933; Burns 49-1004; Baldwin 7534.

review by the supreme court.¹⁰ If any commissioner is convicted of a felony the judgment of conviction must declare his office vacant.¹¹

Any vacancy in the office of county commissioner, or any prospective vacancy caused by death or resignation before time for commencement of the term of a commissioner-elect, is filled at any time through appointment by the commissioners in office. In the event of a tie vote the auditor casts the deciding vote.¹²

Since February 3, 1817 the general administrative control of county matters has been vested in a board of commissioners, composed of three members (individually known as county commissioners) elected by the voters of the whole county from the residents of three commissioners' districts, subject to exceptions herein stated. County business was transacted from November 1, 1814 (the organization of Posey County) until February 3, 1817 by the associate judges of the circuit court; from September 6, 1824 until August 1, 1831 by a board of justices composed of all the justices of the peace in the county; and from March 2, 1835 until August 6, 1838 by a "board of commissioners" composed of all of the justices in the county. Since 1899 many powers of a fiscal nature (including the making of tax levies) previously exercised by the board of commissioners have been vested exclusively in the county council.¹³

¹⁰ Const. 1851, art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1897, 1899; Burns 49-821 to 49-834, 49-836; Baldwin 13154 to 13166, 13050, 13168. Acts 1875; Burns 49-837; Baldwin 13052.

¹¹ Acts 1897, 1899; Burns 49-834; Baldwin 13050.

¹² 1 Rev. Stat. 1852, Acts 1929; Burns 26-601; Baldwin 5215.

¹³ Const. 1851, art. 6, sec. 10. Acts 1807, ch. 11, sec. 18; ch. 17, secs. 1, 2, 4, 10; ch. 20, secs. 5, 8, 9; ch. 23, secs. 1, 2, 4-6, 9, 10, 20-22, 26, 28, 30; ch. 30, secs. 2, 3; ch. 33 (misnumbered 31), secs. 1, 2, 6; ch. 36, secs. 5-11; ch. 39, secs. 1, 4; ch. 40, sec. 12; ch. 44, secs. 1-24; ch. 47, secs. 1, 3; ch. 48, secs. 7, 12; ch. 51, secs. 1, 8-17, 19, 20, 22; ch. 52, sec. 1; ch. 53, secs. 1, 2; ch. 64, sec. 11; ch. 65, secs. 1-3; ch. 71, secs. 1, 2; ch. 80, sec. 2; ch. 84, sec. 1; ch. 92, secs. 1, 9, 16, 19, 31. Acts 1803, ch. 14, secs. 1, 2; ch. 24, secs. 1-5. Acts 1810, ch. 24, sec. 4; ch. 28, secs. 1, 2. Acts 1811, ch. 11, sec. 1; ch. 16, secs. 2-4, 16, 18; ch. 29, secs. 1, 2; ch. 35, secs. 1, 6-9, 12, 15, 17; ch. 37, secs. 4, 5, 8-10. Acts 1813, ch. 2, secs. 1, 3; ch. 3, sec. 2; ch. 4, sec. 2; ch. 8, secs. 1, 2, 6, 9, 11, 12, 14, 16, 20, 23; ch. 9, sec. 1; ch. 10, secs. 1, 2, 4, 5; ch. 19, secs. 1, 2; ch. 21, sec. 2; ch. 25, sec. 1. Acts 1813-14, ch. 12, secs. 1, 2; ch. 29; ch. 32, secs. 1, 3, 5; ch. 33, secs. 1, 8. Acts 1814, ch. 7, sec. 1; ch. 13, secs. 3, 4; ch. 20, sec. 9. Acts 1815, ch. 5, secs. 1, 3, 16; ch. 17, secs. 1, 2. Acts 1816-17, ch. 14, sec. 1; ch. 15. Acts 1817-18 (general), ch. 41. Rev. Laws 1824, chs. 15, 16. Rev. Laws 1831, ch. 20. Acts 1834-35 (general), ch. 43 (misnumbered 68). Rev. Stat. 1838, ch. 21. Acts 1838-39 (general), ch. 62. Rev. Stat. 1843, ch. 7, art. 1. 1 Rev. Stat. 1852, ch. 6, sec. 1; ch.

FUNCTIONS AND RECORDS

The board of commissioners is a body corporate and politic by the name and style of "The Board of Commissioners of the County of Posey." As such, and in such name, the board may sue and be sued. It possesses duties, rights, and powers incident to corporations.¹⁴ "In legal contemplation the board is the county."¹⁵

The board of commissioners may purchase and sell property for the county;¹⁶ has control of the county property;¹⁷ has charge of the purchase of materials and supplies needed by the county officials;¹⁸ has charge of the construction and maintenance of roads,¹⁹ bridges, culverts,²⁰ waterways,²¹ and county buildings;²² has the power of eminent domain;²³ provides office rooms for county officers;²⁴ prepares annual budget estimates;²⁵ may authorize tax refunds;²⁶ allows claims

20, secs. 17, 18, 21, 22. Acts 1899; Burns 26-501 to 26-551; Baldwin 5365 to 5414. 1 Rev. Stat. 1852; Burns 26-601 to 26-639; Baldwin 5215 *et seq.* Snider v. State *ex rel.* Leap (1934), 206 Ind. 474, 190 N.E. 178.

¹⁴ 1 Rev. Stat. 1852; Burns 26-606; Baldwin 5220.

¹⁵ Dice v. County Board of Finance (1934), 99 Ind. App. 405, 192 N. E. 770.

¹⁶ Acts 1899; Burns 26-534; Baldwin 5399. Acts 1907; Burns 26-2008; Baldwin 5107. Acts 1899; Burns 28-250 to 28-257; Baldwin 6602 to 6609.

¹⁷ 1 Rev. Stat. 1852, Acts 1935; Burns, 1939 suppl., 26-620; Baldwin, 1935 suppl., 5236.

¹⁸ Acts 1899; Burns 26-535; Baldwin 5400. Acts 1899, 1903, 1933; Burns 26-536; Baldwin 5401.

¹⁹ Acts 1905, 1907; Burns 36-201 *et seq.*; Baldwin 8756 *et seq.* Acts 1919; Burns 36-301 *et seq.*; Baldwin 8859 *et seq.* Acts 1907; Burns 36-401 *et seq.*; Baldwin 8992 *et seq.* Acts 1919; Burns 36-501 *et seq.*; Baldwin 8879 *et seq.* Acts 1933; Burns 36-1101 *et seq.*; Baldwin 8669 *et seq.*

²⁰ Acts 1905, 1907, 1929; Burns 36-1901 *et seq.*; Baldwin 9236 *et seq.* Acts 1905, 1911, 1913; Burns 36-2001 *et seq.*; Baldwin 9191 *et seq.* Acts 1920 (Spec. Sess.); Burns 36-2404; Baldwin 9154.

The board may purchase toll bridges. Acts 1861; Burns 26-1415; Baldwin 5329.

²¹ Acts 1883; Burns 26-1401 to 26-1412; Baldwin 5313 to 5323. Acts 1873; Burns 26-1413, 26-1414; Baldwin 5291, 5292. Acts 1905; Burns 68-101 to 68-107; Baldwin 16324 to 16330.

²² 1 Rev. Stat. 1852; Burns 26-624; Baldwin 5240. Acts 1907; Burns 26-2002, 26-2004; Baldwin 5101, 5103.

²³ Acts 1937; Burns, 1939 suppl., 26-640; Baldwin, 1937 suppl., 5236-1. Acts 1899; Burns 26-2101 to 26-2106; Baldwin 5109 to 5114. Acts 1919; Burns 36-303; Baldwin 8861. Acts 1935; Burns, 1939 suppl., 36-711; Baldwin, 1935 suppl., 8861-1.

²⁴ 1 Rev. Stat. 1852; Burns 26-624; Baldwin 5240. Acts 1899; Burns 26-625; Baldwin 5241. 1 Rev. Stat. 1852; Burns 49-3202; Baldwin 5470.

²⁵ Acts 1899; Burns 26-516, 26-519; Baldwin 5380, 5383.

²⁶ Acts 1919, 1927, 1929; Burns 64-2819 to 64-2821; Baldwin 15881, 15882, 15885.

against the county;²⁷ issues bonds;²⁸ may establish or abolish townships and election precincts, and change the boundary lines thereof;²⁹ provides rooms, booths, and ballot boxes for elections, and may provide voting machines;³⁰ may establish and maintain libraries³¹ and hospitals;³² may establish a workhouse and employ a superintendent thereof;³³ inspects the county jail³⁴ and poor asylum;³⁵ may prescribe regulations governing the work of prisoners outside the jail;³⁶ maintains standards of weights and measures;³⁷ may order the establishment of a permanent meridian line in the county;³⁸ may regulate traffic on the county highways;³⁹ may enforce regulations of the Administrative Building Council of Indiana;⁴⁰ may determine the question of public utility of a levee petitioned for by a levee association;⁴¹ may make special assessments to pay the cost of construction of roads;⁴² may subscribe for and preserve newspapers printed in the county;⁴³ may reproduce mutilated or decayed records;⁴⁴ may administer oaths, enforce its orders, and punish for contempt;⁴⁵ may authorize the

²⁷ 1 Rev. Stat. 1852, Acts 1835; Burns, 1939 suppl., 26-620; Baldwin, 1935 suppl., 5236. Acts 1879 (Spec. Sess.); Burns 26-807; Baldwin 5256.

²⁸ 1 Rev. Stat. 1852, Acts 1869; Burns 26-1001 *et seq.*; Baldwin 5242 *et seq.*

²⁹ Townships. Acts 1859, 1939; Burns, 1939 suppl., 26-701; Baldwin, 1939 suppl., 16055. Acts 1919; Burns 26-705; Baldwin 16059.

Election precincts. Acts 1883, 1907; Burns 29-301 *et seq.*; Baldwin 7039 *et seq.* Acts 1920 (Spec. Sess.); Burns 29-901; Baldwin 7091.

³⁰ Acts 1920 (Spec. Sess.); Burns 29-909; Baldwin 7154. Acts 1889; Burns 29-1101; Baldwin 7101. Acts 1897; Burns 29-1121; Baldwin 7135.

³¹ Acts 1917, 1921, 1927; Burns 41-510; Baldwin 10321.

³² Acts 1903; Burns 22-3201; Baldwin 4507.

³³ Acts 1879 (Spec. Sess.); Burns 13-1101, 13-1102; Baldwin 13759, 13760.

³⁴ Acts 1909; Burns 13-1003; Baldwin 13460.

³⁵ 1 Rev. Stat. 1852, Acts 1899; Burns 52-205; Baldwin 13373.

³⁶ Acts 1905; Burns 9-2229; Baldwin 2336.

³⁷ 1 Rev. Stat. 1852; Burns 69-101.

³⁸ Acts 1835; Burns 49-8307; Baldwin 5513.

³⁹ Acts 1919; Burns 36-706; Baldwin 8899.

⁴⁰ Acts 1923; Burns 20-401, 20-408; Baldwin 4603, 4610.

⁴¹ Acts 1913, 1927; Burns 27-915; Baldwin 10241.

⁴² Acts 1905; Burns 36-1368; Baldwin 8794. Acts 1921; Burns 36-1412 to 36-1414; Baldwin 8915 to 8917.

⁴³ 1 Rev. Stat. 1852; Burns 26-626; Baldwin 5285.

⁴⁴ Acts 1877; Burns 26-634, 26-635; Baldwin 5339, 5340.

⁴⁵ 1 Rev. Stat. 1852; Burns 26-619; Baldwin 5233.

payment of bounties;⁴⁶ may offer rewards in case of murder or lynching;⁴⁷ examines the treasurer's quarterly reports,⁴⁸ and makes annual settlements with him;⁴⁹ annually prepares a statement of the receipts and disbursements of the previous year, and causes it to be published and posted;⁵⁰ may approve (subject to further approval by the state board of accounts) the installation of a modern tax-accounting system in the offices of the auditor and treasurer;⁵¹ may authorize county officers to use a photographic process for recording deeds, mortgages, and other instruments;⁵² may license ferries⁵³ and fix ferry rates;⁵⁴ may authorize elections for the incorporation of towns;⁵⁵ may authorize a town to annex unplatted lots;⁵⁶ may specify "what kind of animals shall be allowed to pasture or run at large on the uninclosed lands or public commons" within the bounds of any township in the county;⁵⁷ is authorized to appoint a county highway supervisor,⁵⁸ a county health officer,⁵⁹ a public health nurse,⁶⁰ a county inspector of weights and measures,⁶¹ an appraiser of state

⁴⁶ 1 Rev. Stat. 1852, Acts 1875, 1883, 1911; Burns 26-1101 to 26-1103, 26-1105, 26-1106; Baldwin 5288, 3802, 5289, 5293, 5294.

⁴⁷ Acts 1899; Burns 26-1104; Baldwin 5290.

⁴⁸ Acts 1895, 1913; Burns 49-1402; Baldwin 7578.

⁴⁹ Acts 1899; Burns 26-531; Baldwin 5395. 1 Rev. Stat. 1852; Burns 49-3116; Baldwin 5563.

⁵⁰ Acts 1899; Burns 26-546; Baldwin 5411.

⁵¹ Acts 1937; Burns, 1939 suppl., 60-238 to 60-240; Baldwin, 1937 suppl., 15868-1 to 15868-3.

⁵² Acts 1927; Burns 49-3207; Baldwin 14667.

⁵³ Acts 1881 (Spec. Sess.), 1911; Burns 36-2501 to 39-2504; Baldwin 7676 to 7679. 1 Rev. Stat. 1852, Acts 1855; Burns 36-2601 to 36-2607; Baldwin 7631 to 7697. Acts 1881 (Spec. Sess.), 1897; Burns 36-2608 to 36-2618; Baldwin 7698 to 7708. Acts 1917, 1937; Burns, 1939 suppl., 42-201; Baldwin, 1937 suppl., 10443.

⁵⁴ Acts 1881 (Spec. Sess.), 1897; Burns 36 2615; Baldwin 7705.

⁵⁵ Acts 1905; Burns 48-105; Baldwin 11328.

⁵⁶ Acts 1909; Burns 48-707, 48-708; Baldwin 11340, 11341.

⁵⁷ 1 Rev. Stat. 1852, Acts 1879 (Spec. Sess.); Burns 16-101, 16-102; Baldwin 5028, 5029.

⁵⁸ Acts 1933; Burns 36-1110; Baldwin 8708. See the essay entitled "County Highway Supervisor."

⁵⁹ Acts 1935; Burns, 1939 suppl., 35-118; Baldwin, 1935 suppl., 8404-1. See the essay entitled "County Health Officer."

⁶⁰ Acts 1935; Burns, 1939 suppl., 35-123; Baldwin, 1935 suppl., 8404-6. See the essay entitled "Public Health Nurse."

⁶¹ Acts 1911, ch. 263, sec. 3. Acts 1913, ch. 161, sec. 1. Acts 1925; Burns 69-104, 69-107; Baldwin 16335, 16338.

lands,⁶² certain justices of the peace,⁶³ five members of a county planning commission,⁶⁴ and three members of a miners' examination board;⁶⁵ may employ a county attorney,⁶⁶ tax ferrets,⁶⁷ a civil engineer (if the surveyor is not a competent civil engineer),⁶⁸ a county veterinarian,⁶⁹ a physician for poor persons (in county institutions) and prisoners;⁷⁰ may authorize the appointment of deputy county officers;⁷¹ approves the official bonds⁷² of the auditor,⁷³ clerk of the circuit court,⁷⁴ coroner,⁷⁵ county highway supervisor,⁷⁶ recorder,⁷⁷ sheriff,⁷⁸ surveyor,⁷⁹ and treasurer;⁸⁰ may remove a delinquent county treasurer after suit on his official bond has been commenced;⁸¹ and may appoint successors in case of any vacancy in the offices of auditor, clerk of the circuit court, coroner, county assessor, surveyor, sheriff, treasurer,⁸² and any officers originally appointed to office by the board

⁶² Acts 1889; Burns 62-207; Baldwin 15273.

⁶³ Acts 1891, 1923; Burns 5-109, 5-110; Baldwin 1833, 1834.

⁶⁴ Acts 1935; Burns, 1939 suppl., 26-2301; Baldwin, 1935 suppl., 5205-1.

⁶⁵ Acts 1923; Burns 46-1001; Baldwin 11073.

⁶⁶ Acts 1917; Burns 10-3103; Baldwin 822. Acts 1899; Burns 26-519; Baldwin 5383.

⁶⁷ Acts 1905; Burns 64-2830; Baldwin, 1935 suppl., 15696-1.

⁶⁸ 1 Rev. Stat. 1852, Acts 1911; Burns 49-3309; Baldwin 5508.

⁶⁹ Acts 1915; Burns 16-701; Baldwin 3851.

⁷⁰ 1 Rev. Stat. 1852, ch. 3, sec. 8. Acts 1859, ch. 5, sec. 1. Acts 1899; Burns 26-533; Baldwin 5398. Lamar v. Board of County Comrs. (1892), 4 Ind. App. 191, 30 N. E. 912.

⁷¹ Acts 1933, 1935, 1937; Burns, 1939 suppl., 49-1002; Baldwin, 1937 suppl., 7532. Acts 1937; Burns, 1939 suppl., 49-3330; Baldwin, 1937 suppl., 5511-1.

⁷² Acts 1851-52; Burns 49-123; Baldwin 13093.

⁷³ Acts 1889; Burns 49-3003; Baldwin 5417.

⁷⁴ Acts 1875; Burns 49-2703; Baldwin 1430.

⁷⁵ 2 Rev. Stat. 1852, Acts 1933; Burns 49-2801; Baldwin 5436.

⁷⁶ Acts 1925; Burns 69-106; Baldwin 16337.

⁷⁷ Acts 1851-52; Burns 49-123; Baldwin 13093. 1 Rev. Stat. 1852, Acts 1901; Burns 49-3201; Baldwin 5469.

⁷⁸ Acts 1851-52; Burns 49-123; Baldwin 13093. 2 Rev. Stat. 1852, Acts 1937; Burns, 1939 suppl., 49-2801; Baldwin, 1937 suppl., 5493.

⁷⁹ Acts 1913; Burns 49-3302 to 49-3304; Baldwin 5505 to 5507.

⁸⁰ 1 Rev. Stat. 1852, Acts 1865, 1919; Burns 49-3103; Baldwin 5548.

⁸¹ 1 Rev. Stat. 1852; Burns 49-3115; Baldwin 5562.

⁸² 1 Rev. Stat. 1852; Burns 49-405; Baldwin 13104. Acts 1919, 1921; Burns 64-1101; Baldwin 15696.

of commissioners.⁸³ Appointments made by the board are certified by the auditor.⁸⁴

The members of the board of commissioners are ex officio members of the board of finance.⁸⁵ The president of the board of commissioners is an ex officio member of the commission of public records.⁸⁶

Formerly the board¹ of commissioners audited the books and accounts of all officers handling county funds (1853 to 1909);⁸⁷ granted poll tax exemptions (1824 to 1919);⁸⁸ annually awarded two scholarships to Indiana University (1834 to 1919) and Purdue University (1877 to 1935);⁸⁹ and received reports of the circuit judge concerning his examination of the office of the clerk of the circuit court (1852 to 1909).⁹⁰

The board of commissioners has always had the power to establish, construct, and maintain roads. From 1879 until 1913 the board constituted, ex officio, a board of turnpike directors for the management and control of all free turnpikes in the county. The board divided the county into three districts, and each director had personal supervision of one of such districts.⁹¹ Since 1913 the surveyor, county highway superintendent (1913 to 1933), and county highway supervisor (1933 to date), acting under the control of the board of

⁸³ See the authorities cited above for the appointment of officers by the board of commissioners.

⁸⁴ 1 Rev. Stat. 1852; Burns 49-204; Baldwin 13098.

⁸⁵ Acts 1937; Burns, 1939 suppl., 61-629; Baldwin, 1937 suppl., 13844-50. See the essay entitled "Board of Finance."

⁸⁶ Acts 1939, ch. 91, sec. 1. See the essay entitled "Commissioner of Public Records."

⁸⁷ 1 Rev. Stat. 1852, Acts 1935; Burns, 1939 suppl., 26-620; Baldwin, 1935 suppl., 5236. Acts 1897; Burns 26-636; Baldwin 5237. Acts 1895; Burns 49-1409; Baldwin 7584. 1 Rev. Stat. 1852; Burns 49-3110; Baldwin 5555. Acts 1909; Burns 60-211; Baldwin 13862. Interview of May 18, 1939 with E. P. Brennan, state examiner.

⁸⁸ Rev. Laws 1824, ch. 86, sec. 1. 1 Rev. Stat. 1852, ch. 20, sec. 30 (repealed by Acts 1919, ch. 59, sec. 2). *Opinions of the Attorney General of Indiana, 1936*, p. 83.

⁸⁹ Acts 1833-34, ch. 17. Rev. Stat. 1838, ch. 21, secs. 33, 34. Rev. Stat. 1843, ch. 7, sec. 34. 1 Rev. Stat. 1852, ch. 114, sec. 10. Acts 1877 (Spec. Sess.), ch. 29, secs. 1, 2. Acts 1919, ch. 185, sec. 1. Acts 1929, ch. 2, sec. 1. Acts 1935, ch. 184, sec. 2.

⁹⁰ 2 Rev. Stat. 1852; Burns 49-2720; Baldwin 1439.

The examination of the clerk's office is now made by the state examiner instead of the circuit judge. Acts 1909; Burns 60-211; Baldwin 13862. Interview of May 18, 1939 with E. P. Brennan, state examiner.

⁹¹ Acts 1879 (Spec. Sess.) ch. 115, sec. 1.

commissioners, have had charge of the construction and maintenance of county highways.⁹²

The county council and the board of commissioners, acting together, approve the acceptance of lands given or devised to the county for purposes of a public forest;⁹³ hold hearings on petitions for the condemnation of school buildings as unfit for use, and decide for or against such condemnation, subject to appeal to the circuit court;⁹⁴ determine, on proper petition, the order in which county highway projects shall be established and constructed, in the event two or more petitions for such projects are on file with the auditor at the same time;⁹⁵ and rebuild courthouses and jails destroyed by fire or windstorm, and issue bonds to defray the expense thereof.⁹⁶

A regular session of the board of commissioners begins on the first Monday of each month and continues so long as the necessary business of the session requires.⁹⁷ Special sessions are held when called by the auditor, or, in case of death or disqualification, by the clerk of the circuit court or the recorder, respectively.⁹⁸ Any two members constitute a quorum to do business.⁹⁹ The sheriff, in person or by deputy, attends the meetings of the board and executes its orders.¹⁰⁰ All meetings of the board are open to the public.¹⁰¹ The board adopts regulations for the transaction of business; and in the trial of causes it is required to comply, so far as practicable, with the rules for conducting business in the circuit court.¹⁰² Whenever, in the trial of any cause, two or more members of the board are disqualified, the circuit judge appoints special commissioners to act in their places.¹⁰³ Members of the board of commissioners are priv-

⁹² Acts 1911, ch. 228. Acts 1911, ch. 105. Acts 1913, ch. 40, sec. 1; ch. 330, sec. 1. Acts 1933; Burns 36-1101, 36-1110; Baldwin 8699, 8708. See the essays entitled "Surveyor" and "County Highway Supervisor."

⁹³ Acts 1929; Burns 32-105; Baldwin 4879.

⁹⁴ Acts 1931; Burns 28-3001 to 28-3006; Baldwin 6143 to 6148.

⁹⁵ Acts 1931; Burns 36-327 to 36-331; Baldwin 8751 to 8755.

⁹⁶ Acts 1935; Burns, 1939 suppl., 26-211; Baldwin, 1935 suppl., 5240-1.

⁹⁷ Acts 1899; Burns 26-550; Baldwin 5221.

⁹⁸ Acts 1863, 1899; Burns 26-607 to 26-610; Baldwin 5222 to 5225.

⁹⁹ 1 Rev. Stat. 1852, Acts 1929; Burns 26-601; Baldwin 5215.

¹⁰⁰ 1 Rev. Stat. 1852; Burns 26-611; Baldwin 5226.

¹⁰¹ 1 Rev. Stat. 1852; Burns 26-623; Baldwin 5239.

¹⁰² 1 Rev. Stat. 1852; Burns 26-617; Baldwin 5228.

¹⁰³ Acts 1913; Burns 26-614 to 26-616; Baldwin 5229 to 5231.

ileged from arrest and from obeying any subpoena to testify, during any session of the board and while going to and returning from the same.¹⁰⁴

Though appeals may be taken to the circuit court to review all judicial decisions of the board, no appeal lies from the action of the board in a purely ministerial or administrative capacity, unless a statute specifically allows it.¹⁰⁵ Appeals are specifically provided for in proceedings concerning claims against the county,¹⁰⁶ removal of county seat,¹⁰⁷ licensing of public ferries,¹⁰⁸ establishment or modification of townships,¹⁰⁹ and in highway matters.¹¹⁰

The auditor, as clerk of the board, attends its meetings, keeps a record of the proceedings, and preserves in his office all the books and papers touching the business of the county.¹¹¹

PROCEEDINGS AND REPORTS

1. COMMISSIONERS' RECORD, 1817-. 32 vols. (AB, CD, EF, GHI, J-P, 2-22).

Minutes of meetings of board of commissioners relative to all county business, showing date and place of meeting, names of members present, nature of business discussed, and action of board. Also contains: Claim and Allowance Record, 1817-71, entry 14. Arr. chron. by dates of meetings. Indexed alph. by names of subjects discussed; for separate index, see entry 2. 1817-1917, hdw., 1918-, typed. 575 pp. 18 x 12 x 3. Aud. off.

2. GENERAL INDEX TO COMMISSIONERS' RECORD, 1817-. 3 vols. (1-3).

Index to Commissioners' Record, entry 1, showing date of meeting, name of subject discussed, and volume and page reference to recording. Arr. alph. by names of subjects. Hdw. 640 pp. 18 x 12 x 3. Aud. off.

¹⁰⁴ 1 Rev. Stat. 1852; Burns 3-401; Baldwin 721.

¹⁰⁵ 1 Rev. Stat. 1852; Burns 26-901. State *ex rel.* Starry v. Board of County Comrs. (1893).

136 Ind. 207, 35 N. E. 1100.

¹⁰⁶ Acts 1879 (Spec. Sess.), 1885; Burns 26-820; Baldwin 5275.

¹⁰⁷ Acts 1885 (Spec. Sess.); Burns 26-410.

¹⁰⁸ 1 Rev. Stat. 1852; Burns 36-2615; Baldwin 7705.

¹⁰⁹ Acts 1859, 1939; Burns, 1939 suppl., 26-701; Baldwin, 1939 suppl., 16055.

¹¹⁰ Acts 1905; Burns 36-1501; Baldwin 8858.

¹¹¹ 1 Rev. Stat. 1852; Burns 26-611, 26-621, 49-3004; Baldwin 5226, 5238, 5418.

3. COMMISSIONERS' COURT, 1829-. 474 f. b. (dated). Documents filed in commissioners court, including petitions, applications for liquor licenses, remonstrances, viewers reports, contracts, claims, bonds, and cancelled bond coupons, showing date of filing, nature of action, names of principals, and conditions of instrument. Also contains: Reports on Prisoners, 1850-99, entry 4; Reports of County Institutions, 1900-1933, entry 6; Bids on County Supplies, 1829-30, entry 13. Arr. chron. by dates of filing. No index. Hdw. and typed. 5 x 4 x 10. Aud. off.

4. REPORTS ON PRISONERS, 1900-. 1 f. b. 1850-99 in Commissioners' Court, entry 3. Sheriff's reports of costs for care of prisoners, showing date of report and release, number of prisoners, costs of meals, and total cost for month. Arr. chron. by dates of reports. No index. Hdw. 5 x 4 x 10. Aud. off.

5. APPOINTMENTS OF DEPUTIES, 1932-. 1 f. b. Certificates of appointment of deputy officials, showing dates of appointment and filing, and names of appointee and township. Arr. chron. by dates of filing. No index. Hdw. 5 x 4 x 10. Aud. off.

6. REPORTS OF COUNTY INSTITUTIONS, 1934-. 1 f. b. 1900-1933 in Commissioners' Court, entry 3. Estimates submitted to board of commissioners on supplies necessary for operation of county institutions, showing dates of estimate and filing, names of asylum and superintendent, and itemized list of supplies required. Arr. chron. by dates of filing. No index. Hdw. 5 x 4 x 10. Aud. off.

LICENSES

7. REGISTER OF LICENSES ISSUED, 1859-. 1 vol. Register of licenses issued to vend merchandise and operate ferries, showing date of issue, term and classification of license, name and address of licensee, and amount of fee. Arr. chron. by dates of issue. No index. Hdw. 125 pp. 13 x 7½ x 1. Aud. off.

8. RETAILER'S BOND RECORD, 1869-1918. 10 vols. (1, 2, 1-8). Discontinued by an act of 1918. Record of bonds posted to retail alcoholic liquors, showing date, amount and conditions of bond, and names of dealer and sureties. Arr. chron. by dates of bonds. Indexed alph. by names of dealers. Hdw. 400 pp. 16 x 11 x 2½. SE. stor. rm., 3d fl.

9. GROCERY BONDS, 1876-1917. 17 f. b. Discontinued. Bonds filed to retail intoxicating liquors, showing date, amount and conditions of bond, location of business, and names of dealer and sureties. Arr. chron. by dates of bonds. No index. Hdw. 5 x 4 x 10. Aud. off.

BOND ISSUES

10. BOND REGISTER, 1899-. 3 vols.

Register of bonds issued to finance county expenditures, showing dates of issue, maturity and redemption, amount and purpose of issue, and names of purchasers. Arr. chron. by dates of issue. No index. Hdw. 320 pp. 18 x 24 x 3. Aud. off.

11. GRAVEL ROAD BONDS, 1921-28. 1 vol. Discontinued. Record of bonds issued for construction and maintenance of gravel roads, showing dates of issue, interest payments and retirement, amount of bond, rate of interest, and names of purchaser. Arr. chron. by dates of issue. No index. Hdw. 125 pp. 18 x 14 x 1½. Aud. off.

BIDS

12. BIDDERS' RECORD, 1935-. 1 vol.

Record of all bids submitted for construction, improvements, repairs, materials and supplies, showing dates and amount of bid, bond and contract, nature of bid, name of bidder, and date bids opened. Arr. chron. by dates bids opened. Indexed alph. by names of bidders. Hdw. 200 pp. 14 x 14 x 2. Aud. off.

13. BIDS ON COUNTY SUPPLIES, 1931-. 4 f. b. 1829-1930 in Commissioners' Court, entry 3.

Bids submitted to board of commissioners for construction, improvements, repairs, materials and supplies, showing date, amount and conditions of bid, name and address of bidder, and memoranda of acceptance or rejection. Arr. chron. by dates of bids. No index. Hdw. and typed. 5 x 4 x 10. Aud. off.

CLAIMS AND ALLOWANCES

14. CLAIM AND ALLOWANCE RECORD, 1872-. 14 vols. (two vols. not labelled, 3-7, 1-7). Title varies: Commissioners' Docket, 1879-1911, 6 vols. 1817-71 in Commissioners' Record, entry 1.

Record of claims presented to and allowances made by board of commissioners, showing date, number and amount of claim,

name of claimant, nature of claim, amount of allowance, and warrant number. Arr. num. by claim nos. No index. Hdw. 250 pp. 16 x 12 x 2½. 7 vols., 1872-Apr. 21, 1911, SE. stor. rm., 3d fl.; 7 vols., Apr. 22, 1911-, aud. off.

15. COUNTY AGENT'S CLAIMS, 1914-. 2 f. b.

Claims allowed for administration expenses of county agent, showing date, number and amount of claim, names of county agent and claimant, and approval by Purdue University. Arr. chron. by dates of claims. No index. Typed. 5 x 4 x 10. Aud. off.

16. SOLDIER'S BURIAL RECORD, 1889-1919. 1 vol.

Discontinued.

Record of expenditures for burial of soldiers, sailors and marines, showing dates of enlistment, death and burial, name, age, rank and occupation of deceased, place of interment, amount of burial expense, and date, number and amount of warrant. Arr. chron. by dates of burial. Indexed alph. by names of veterans. Hdw. 453 pp. 16 x 12 x 3. Aud. off.

For other military records, see entries 17, 51, 90.

17. [SOLDIER BURIAL CLAIMS], 1879-1919. In [Miscellaneous Reports], entry 210.

Claims for expenses for burial of deceased soldiers, sailors and marines, showing date of claim and filing, name, age, rank and occupation of deceased, dates of enlistment, discharge, death and burial, place of interment, and amount of burial expense.

For other military records, see entries 16, 51, 90.

PUBLIC IMPROVEMENTS

(See also entries 190, 191, 233, 234, 314-350)

18. GRAVEL ROAD RECORD, 1908-. 8 vols. (1-8).

Record of actions and proceedings for construction and maintenance of gravel roads, showing dates of meeting, petitions, viewers reports, bids, contracts and bonds, names of petitioners, remonstrators, viewers, contractors and road, location and description of road, conditions of contract, and amount of contractors bond. Arr. chron. by dates of meetings. Indexed alph. by names petitioners. Typed. 475 pp. 18 x 12 x 2. Aud. off.

19. BRIDGE RECORD, 1913-. 1 vol.

Record of actions and proceedings for construction and maintenance of bridges, showing date of meeting, petitions, viewers reports and contracts, names of petitioners, viewers,

contractors and bridge, location and description of bridge, date, amount and terms of contract, and date, number and amount of warrant. Arr. chron. by dates of meetings. No index. Hdw. 320 pp. 16 x 12 x 2. Aud. off.

20. DITCH ESTIMATES, 1900-. 4 f. b.

Estimates of cost for construction and maintenance of ditches, showing date and amount of estimate, name and location of ditch, and itemized statement of nature and amount of materials and labor. Arr. chron. by dates of estimates. No index. Hdw. and typed. 5 x 4 x 10. Aud. off.

II. COUNTY COUNCIL

LEGAL STATUS

The Posey County Council exists under the mandatory provisions of an act of 1899, commonly referred to as the County Reform Law.¹ The council is composed of seven members. Each councilman is elected for a term of four years, and holds his office until his successor has been elected and qualified. The county is divided by the board of commissioners into four councilmanic districts; and one councilman is elected by the voters of each district. Three councilmen at large are elected by the voters of the whole county.² Each councilman receives a certificate of election from the clerk of the circuit court and is not commissioned by the governor.³ Members of the first council were appointed in 1899 by the judge of the circuit court.⁴ The county auditor is clerk of the county council; and his duties as such may be performed by himself or by deputy.⁵ At an organization meeting held on the second Saturday after its election, the council chooses from its members a presiding officer and a presiding officer *pro tem*, who serve for the terms of their respective offices as councilmen.⁶

Each member must have been an inhabitant of the county during one year next preceding the date of his election or

¹ Acts 1899; Burns 26-501; Baldwin 5365.

² Const. 1851, art. 15, sec. 3. Acts 1899, 1907; Burns 26-502, 26-505; Baldwin 5366, 5369.

³ Const. 1851, art. 15, sec. 6. 1 Rev. Stat. 1852; Burns 49-201, 49-202; Baldwin 13095, 13096.

⁴ Acts 1899; Burns 26-548.

⁵ Acts 1899; Burns 26-509; Baldwin 5373.

⁶ Acts 1899, 1931; Burns 26-507; Baldwin 5371.

appointment. A councilman at large must be a qualified voter and resident freeholder of the county; and each of the other members must be a qualified voter and resident freeholder of the district from which he was elected or appointed. No person can hold the office of councilman while holding any other county office or any state, township, or municipal office.⁷ Each councilman must take an oath that he will support the state and federal constitutions and that he will faithfully and honestly perform his duties as councilman.⁸

A councilman receives a salary of \$10 per year plus \$10 for each day served at special meetings of the council.⁹ Before 1927 there was no additional compensation for serving at special meetings.¹⁰ From 1899 until 1933 the auditor was entitled to a suitable annual allowance by the county council in an amount not less than \$200 nor more than \$600 (in addition to his regular salary), for his services as clerk of the county council; but since 1933 his annual salary of \$2,000 has been compensation for his regular duties and also his duties as clerk of the county council.¹¹

For sufficient legal grounds any councilman may be removed by the circuit court, after trial by jury on an accusation presented by the grand jury or verified by the oath of any person; and such removal is subject to review by the supreme court.¹² If any councilman is convicted of a felony the judgment of conviction must declare his office vacant.¹³ The county council has the power to expel any councilman for disability, ineligibility, neglect to perform the duties of his office, or violation of official duties; and no law specifically provides for a review of such expulsion.¹⁴ Any vacancy in the membership of the council is filled through

⁷ Const. 1851, art. 2, sec. 9; art. 6, secs. 4, 6. Acts 1899; Burns 26-504; Baldwin 5368. State *ex rel.* Workman v. Goldthait (1909), 172 Ind. 210 87 N. E. 133.

⁸ Const. 1851, art. 15, sec. 4. Acts 1899; Burns 26-506; Baldwin 5370. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054.

⁹ Acts 1899, 1927; Burns 26-503; Baldwin 5367.

¹⁰ Acts 1899, ch. 154, sec. 3.

¹¹ Acts 1899; Burns 26-509, 26-550; Baldwin 5373, 5221. Acts 1933; Burns 49-1001, 49-1004; Baldwin 7531, 7534. *Opinions of the Attorney General of Indiana, 1934*, p. 313; 1936, p. 130.

¹² Const. 1851, art. 2, secs. 6, 7; art. 6, sec. 6. Acts 1899; Burns 26-504; Baldwin 5368. Acts 1897, 1899; Burns 49-821 to 49-834, 49-836; Baldwin 13154 to 13166, 13050, 13168. Acts 1875; Burns 49-837; Baldwin 13052.

¹³ Acts 1897, 1899; Burns 49-834; Baldwin 13050.

¹⁴ Acts 1899; Burns 26-504, 26-512; Baldwin 5368, 5376.

appointment by the remaining members of the council at a special meeting held for that purpose. A person appointed to fill such vacancy holds office until the expiration of the term in which such vacancy occurred and until his successor is elected and qualified.¹⁵

The purpose of the general assembly in creating the county council in 1899 was to place limits and checks on county business and on payments out of the county treasury.¹⁶ Before 1899 the board of commissioners performed the duties now performed by the council.¹⁷

FUNCTIONS AND RECORDS

The county council makes appropriations of money to be paid out of the county treasury, makes county tax levies, fixes the county tax rates,¹⁸ authorizes the borrowing of money for the county,¹⁹ authorizes the county to purchase, sell, or convey real estate of the value of \$1,000 or more,²⁰ and fixes the amounts of salaries of deputy officers and other assistants of county officers.²¹ In making appropriations, the council considers estimates of expenditures which are filed by all county officers with the auditor and presented by him to the council with his recommendations and proposed ordinances.²² Such appropriations, tax levies and tax rates are subject to review by the county board of tax adjustment or the state board of tax commissioners.²³ In mandamus proceedings the courts can compel the county council to make appropriations and tax levies where it is the statutory duty of the council to do so; and this is true though such duty rests on the performance of a condition, if in fact the con-

¹⁵ Const. 1851, art. 15, sec. 3. Acts 1899, 1907; Burns 26-505; Baldwin 5369.

¹⁶ Acts 1899; Burns 26-529; Baldwin 5393. *Snider v. State ex rel. Leap* (1934), 206 Ind. 474, 190 N. E. 173.

¹⁷ 1 Rev. Stat. 1852, ch. 6, sec. 1; ch. 20, secs. 13, 16-18, 21, 22.

¹⁸ Acts 1899, 1931; Burns 26-507, 26-515, 26-520; Baldwin 5371, 5379, 5384. Acts 1899, 1907, 1913, 1937; Burns, 1939 suppl., 26-521; Baldwin, 1937 suppl., 5385. Acts 1899, 1935; Burns, 1939 suppl., 26-522; Baldwin, 1935 suppl., 5386.

¹⁹ Acts 1899, 1921, 1929; Burns 26-532, 26-540; Baldwin 5396, 5405.

²⁰ Acts 1903; Burns 22-3201; Baldwin 4507. Acts 1899; Burns 26-534; Baldwin 5399.

²¹ Acts 1933, 1935, 1937; Burns, 1939 suppl., 49-1002; Baldwin, 1937 suppl., 7532.

²² Acts 1899; Burns 26-516 to 26-520; Baldwin 5380 to 5384. Acts 1899, 1907, 1913, 1937; Burns, 1939 suppl., 26-521; Baldwin, 1937 suppl., 5385.

²³ Acts 1937; Burns, 1939 suppl., 64-310, 64-311; Baldwin, 1937 suppl., 15397-4, 15897-5. Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1939 suppl., 64-1331; Baldwin, 1935 suppl., 15735.

dition has been performed.²⁴ The authorization by the council of the issuance of bonds or notes in an amount exceeding \$5,000, excepting temporary obligations, is subject to review by the state board of tax commissioners; and no bonds or notes bearing interest greater than five percent per annum can be issued without the approval of said board.²⁵

The county council and the board of commissioners, acting together, approve the acceptance of lands given or devised to the county for purposes of a public forest;²⁶ hold hearings on petitions for the condemnation of school buildings as unfit for use, and decide for or against such condemnation, subject to appeal to the circuit court;²⁷ determine, on proper petition, the order in which county highway projects shall be established and constructed, in the event two or more petitions, for such projects are on file with the auditor at the same time;²⁸ and rebuild courthouses and jails destroyed by fire or windstorm, and issues bonds to defray the expenses thereof.²⁹

It is unlawful for any councilman to be interested personally in any contract with the county, or to purchase, for less than par, any bond, warrant, claim, or demand against the county.³⁰

The county council holds a regular annual meeting on the first Tuesday after the first Monday of September of each year. Special meetings may be called by the auditor or a majority of the members of the council.³¹ The sessions are open to the public and may continue until all business is completed.³² A majority of all the members constitutes a quorum to do business, and such majority must concur in the passage of ordinances.³³ A greater vote is required in order to expel

²⁴ Acts 1899; Burns 26-528; Baldwin 5392. *State ex rel. Simpson v. Meeker* (1914), 182 Ind. 240, 105 N. E. 996; *State ex rel. Test v. Steinwedel* (1932), 203 Ind. 457, 180 N. E. 865; *Blue v. State ex rel. Powell* (1936), 210 Ind. 486, 1 N. E. (2d) 122.

²⁵ Acts 1919, 1920 (Spec. Sess.), 1921, 1923; Burns 64-1332; Baldwin 15736. *Citizens Bank v. Burnettsville* (1932), 98 Ind. App. 92, 179 N. E. 724.

²⁶ Acts 1929; Burns 32-105; Baldwin 4879.

²⁷ Acts 1931; Burns 28-3001 to 28-3006; Baldwin 6143 to 6148.

²⁸ Acts 1931; Burns 36-327 to 36-331; Baldwin 8751 to 8755.

²⁹ Acts 1935; Burns, 1939 suppl., 26-211; Baldwin, 1935 suppl., 5240-1.

³⁰ Acts 1899; Burns 26-513, 26-514; Baldwin 5377, 5378.

³¹ Acts 1899, 1931; Burns 26-507; Baldwin 5371.

³² Acts 1899; Burns 26-508; Baldwin 5372.

³³ Acts 1899; Burns 26-511; Baldwin 5375.

a member (two-thirds),³⁴ adopt appropriations for items not included in budget estimates or for amounts greater than those of the items in the budget estimates (three-fourths),³⁵ adopt appropriations at a special meeting (two-thirds),³⁶ and to levy taxes for the repair, maintenance, or preservation of county highways (unanimous).³⁷ The sheriff, in person or by deputy, attends the sessions of the council and executes its orders.³⁸

The auditor, as *ex officio* clerk of the council, keeps in his office the files and papers of the council and a record of its proceedings.³⁹ He keeps separate accounts for each specific item of appropriation made by the council.⁴⁰

21. RECORD OF COUNTY COUNCIL PROCEEDINGS, 1899-. 1 vol. Minutes of meetings of county council, showing date of meeting, names of members present, nature of business discussed, and action taken. Arr. chron. by dates of meetings. Indexed alph. by subjects of business discussed. 1899-Nov. 16, 1918, hdw.; Nov. 17, 1918-, typed. 600 pp. 18 x 12 x 3. Aud. off.

22. COUNTY COUNCIL, 1928-. 14 f. b. Ordinances of appropriations passed by county council, showing date of ordinance, name of office or fund, and amount of appropriation. Arr. chron. by dates of ordinances. Typed. 5 x 4 x 10. Aud. off.

23. COUNTY OFFICIALS' REPORTS, 1936-. 1 f. b. Budget estimates compiled by county officials for basis of establishment of appropriations, showing date of estimate, names of official and office, and itemized statement of funds required. Arr. chron. by dates of estimates. No index. Hdw. 5 x 4 x 10. Aud. off.

III. CLERK OF THE CIRCUIT COURT

LEGAL STATUS

The clerk of the circuit court, commonly referred to as

³⁴ Acts 1899; Burns 26-512; Baldwin 5376.

³⁵ Acts 1899; Burns 26-520; Baldwin 5384.

³⁶ Acts 1899, 1907, 1913, 1937; Burns, 1939 suppl., 26-521; Baldwin, 1937 suppl., 5385.

³⁷ Acts 1932 (Spec. Sess.); Burns 36-905; Baldwin 6715.

³⁸ Acts 1899; Burns 26-510; Baldwin 5374.

³⁹ Acts 1899; Burns 26-509; Baldwin 5373. State *ex rel.* Van Der Veer v. Butch (1933), 205 Ind. 117, 185 N. E. 908.

⁴⁰ Acts 1899; Burns 26-523; Baldwin 5387.

"county clerk", is a constitutional officer, elected for a four-year term by the voters of the county. The office was created by the Constitution of 1816 and re-created by the Constitution of 1851. Before the adoption of the Constitution of 1816 he was appointed by the Governor of Indiana, to serve during good behavior. Under the Constitution of 1816 the clerk was elected for a seven-year term by the voters of the county.¹ He is commissioned by the Governor of Indiana,² and holds office until his successor is elected and qualified.³ No person is eligible to the office for more than eight years in any 12-year period.⁴ The clerk must be an elector of the county, and must have been an inhabitant thereof during one year next preceding his election or appointment;⁵ and, while holding the office of clerk of the circuit court, he must reside within the county, must not hold any other lucrative office,⁶ and must not practice law.⁷ Under the Constitution of 1816 the offices of recorder and clerk of the circuit court could be held simultaneously by one person.⁸ He must post bond in an amount fixed by the board of commissioners, approved by that board and filed with the recorder,⁹ and take an oath that he will support the state and federal constitutions and will faithfully discharge the duties of his office.¹⁰

¹ Const. 1816, art. 5, sec. 8. Const. 1851, art. 6, sec. 2. Acts 1807, ch. 2, sec. 15. Acts 1813-14, ch. 29, secs. 7, 8. Acts 1814, ch. 2, sec. 9. Acts 1815, ch. 15, sec. 2. Acts 1816-17, ch. 3, sec. 4; ch. 14, secs. 1, 8. Acts 1817-18 (special), ch. 3, secs. 1, 3. Rev. Laws 1824, ch. 36, secs. 1, 3. 2 Rev. Stat. 1852; Burns 49-2701; Baldwin 1427.

² Const. 1816, art. 11, sec. 9. Const. 1851, art. 15, sec. 6. 1 Rev. Stat. 1852; Burns 49-201; Baldwin 13095.

³ Const. 1851, art. 15, sec. 3.

⁴ *Ibid.*, art. 6, sec. 2.

⁵ Const. 1816, art. 11, sec. 14. Const. 1851, art. 6, sec. 4.

⁶ Const. 1816, art. 11, secs. 6, 13. Const. 1851, art. 2, sec. 9; art. 6, sec. 6. Acts 1813-14, ch. 29, sec. 7.

⁷ Acts 1807, ch. 29, sec. 6. Acts 1865, ch. 42 (misnumbered 62), sec. 2. Acts 1905; Burns 10-3102; Baldwin 2636. *McCracken v. State* (1867), 27 Ind. 491.

⁸ Const. 1816, art. 11, sec. 10. Rev. Stat. 1843, ch. 4, sec. 62.

⁹ Acts 1816-17, ch. 2, sec. 4. Rev. Laws 1824, ch. 24, sec. 3. Rev. Stat. 1838, ch. 15, sec. 1; ch. 17, sec. 5. Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-106, 49-120; Baldwin 13066, 13068. Acts 1851-52; Burns 49-123; Baldwin 13093. 2 Rev. Stat. 1852; Burns 49-2701; Baldwin 1427. Acts 1875; Burns 49-2703, 49-2704; Baldwin 1430, 1431.

¹⁰ Const. 1851, art. 15, sec. 4. Acts 1816-17, ch. 2, sec. 4. Acts 1817-18 (special), ch. 3, sec. 3. Rev. Laws 1824, ch. 24, sec. 3. Rev. Laws 1831, ch. 15, sec. 5. Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-101, 49-104; Baldwin 13054, 13057.

The clerk of the circuit court receives a regular salary of \$1,680 per year.¹¹ He receives \$75 for his services rendered at each general election, primary election, or special election.¹² For each registration blank or transfer of registration which he fills out and executes, he receives a sum fixed by the board of commissioners, not exceeding four cents; and in addition thereto receives reasonable compensation (fixed by the board of commissioners) for additional services rendered by him as registration officer.¹³ He is not permitted to retain, as compensation for himself, any fees collected by him, except to the extent expressly authorized by statute in the following cases: Five cents for each mile necessarily travelled in going from the clerk's office to the governor's office, to receive state ballots, and in returning to the clerk's office; \$5 for his duties in connection with the admission or discharge of any person at any hospital for the insane, the Fort Wayne State School, the Muscatatuck Colony, the Indiana Village for Epileptics, or the James Whitcomb Riley Hospital for Children; fees for the issuance of fish and game licenses; fees for preparing transcripts for change of venue from his county; and all fees for change of venue to his county, except for preparation of transcripts.¹⁴

For sufficient legal grounds the clerk of the circuit court may be removed from office by the circuit court after trial by jury on an accusation presented by the grand jury or verified by the oath of any person; and such removal is subject to review by the supreme court.¹⁵ If the clerk is convicted of a felony, the judgment of conviction must declare his office vacant.¹⁶

Any vacancy in the office of clerk of the circuit court is filled through appointment by the board of commissioners. At the next biennial general election (held on the first Tuesday after the first Monday in November in the even-numbered

¹¹ Acts 1807, ch. 49, sec. 1. Acts 1814, ch. 8, secs. 6, 9; ch. 21, secs. 40, 42. Acts 1933; Burns 49-1004; Baldwin 7534.

¹² Acts 1935; Burns, 1939 suppl., 29-1014; Baldwin, 1935 suppl., 7109-1.

¹³ Acts 1933, 1935; Burns, 1939 suppl., 29-329; Baldwin, 1935 suppl., 7327.

¹⁴ Acts 1841-42 (general), ch. 119, sec. 1. Acts 1933; Burns 49-1001, 49-1005, 49-1007; Baldwin 7531, 7535, 7537. Acts 1933, 1937; Burns, 1939 suppl., 49-1007; Baldwin, 1937 suppl., 7537. Acts 1927; Burns 49-1301 to 49-1305; Baldwin 7561 to 7565.

¹⁵ Const. 1851, art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1897, 1899; Burns 49-821 to 49-834, 49-836; Baldwin 13154 to 13166, 13050, 13168. Acts 1875; Burns 49-837; Baldwin 13052.

¹⁶ Acts 1815, ch. 15, sec. 1. Acts 1897, 1899; Burns 49-834; Baldwin 13050.

years), a clerk is elected for the remainder of the term in which the vacancy occurred. The person appointed or elected to fill a vacancy must take oath and post bond, as was required of his predecessor, and holds office until his successor is elected and qualified.¹⁷

Under authority from the board of commissioners the clerk of the circuit court may appoint one deputy and one or more assistants. The county council fixes their salaries, which must be not less than \$75 and not more than \$125 per month.¹⁸ The clerk may require the deputy to give bond.¹⁹ The deputy must take the oath required of the clerk, may perform all the official duties of the clerk, and is subject to the same regulations and penalties.²⁰ The clerk may remove such deputy and assistants at any time, and is responsible for their official acts.²¹

FUNCTIONS AND RECORDS

As an officer of the circuit court the clerk performs numerous duties. In person or by deputy, he attends the circuit court and performs the customary duties of clerk at trials;²² files pleadings and papers and endorses thereon the time of such filing;²³ issues summonses,²⁴ notices for service by

¹⁷ Const. 1851, art. 6, sec. 9. Acts 1815, ch. 15, sec. 2. Acts 1817-18 (general), ch. 17, secs. 1, 8. Rev. Laws 1824, ch. 10, sec. 4; ch. 36, sec. 1. Acts 1881 (Spec. Sess.); Burns 29-701; Baldwin 7081. 1 Rev. Stat. 1852; Burns 49-405, 49-408, 49-409; Baldwin 13104, 13106, 13107. Douglass v. State *ex rel.* Wright (1869), 31 Ind. 429. Interview of July 11, 1939 with Omer Stokes Jackson, Attorney General of Indiana.

¹⁸ 1 Rev. Stat. 1852, Acts 1855, 1925; Burns 49-501; Baldwin 13108. Acts 1933, 1935, 1937; Burns, 1939 suppl., 49-1002; Baldwin, 1937 suppl., 7532. *Opinions of the Attorney General of Indiana*, 1934, p. 256; 1937, p. 324.

¹⁹ 1 Rev. Stat. 1852, Acts 1855, 1925; Burns 49-501; Baldwin 13108.

²⁰ 1 Rev. Stat. 1852; Burns 49-502; Baldwin 13109.

²¹ Rev. Laws 1824, ch. 10, sec. 2. 1 Rev. Stat. 1852; Burns 49-503; Baldwin 13110. Acts 1933, 1935, 1937; Burns, 1939 suppl., 49-1002; Baldwin, 1937 suppl., 7532.

²² Acts 1816-17, ch. 3, sec. 3. Rev. Laws 1824, ch. 10, sec. 1. Rev. Laws 1831, ch. 15, sec. 1. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

²³ Acts 1807, ch. 32, sec. 4. Acts 1810, ch. 27, sec. 3. Acts 1811, ch. 36, secs. 3, 4, 7. Acts 1814, ch. 8, sec. 1; ch. 20, secs. 8, 14; ch. 21, secs. 3, 6, 11, 12, 34, 38. Acts 1816-17, ch. 2, sec. 12; ch. 4, sec. 28; ch. 5, secs. 1, 2, 18. Acts 1817-18 (general), ch. 4, sec. 17. Rev. Laws 1824, ch. 73, secs. 1, 7, 15, 27; ch. 74, secs. 1, 18-21, 33, 41; ch. 79, secs. 8, 38. Rev. Stat. 1843, ch. 38, sec. 49. Acts 1881 (Spec. Sess.); Burns 2-802, 2-1641; Baldwin 83, 288. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

Indictment. Acts 1881 (Spec. Sess.), ch. 36, sec. 99. Acts 1905; Burns 9-904; Baldwin 2126.

²⁴ Acts 1807, ch. 12, sec. 4. Acts 1814, ch. 2, sec. 10; ch. 8, secs. 2, 5; ch. 21, secs. 3, 17.

publication,²⁵ attachment writs,²⁶ garnishment writs,²⁷ executions,²⁸ witness subpoenas,²⁹ letters testamentary, and letters of administration;³⁰ takes depositions of witnesses;³¹ approves and keeps judicial bonds;³² keeps court dockets,³³ inheritance tax records,³⁴ probate records,³⁵ receivership records,³⁶ guardianship records,³⁷ and records of redemption

Acts 1816-17, ch. 2, sec. 8; ch. 4, sec. 5. Acts 1817-18 (general), ch. 60, sec. 3; ch. 61, sec. 3. Rev. Laws 1824, ch. 24, sec. 7; ch. 73, secs. 1, 2, 10, 22; ch. 74, secs. 2, 3, 9-11, 24. Acts 1881 (Spec. Sess.); Burns 2-802; Baldwin 83.

²⁵ Rev. Laws 1824, ch. 73, sec. 3. Acts 1881 (Spec. Sess.), 1885, 1935; Burns, 1939 suppl., 2-807; Baldwin, 1935 suppl., 83.

²⁶ Rev. Laws 1831, ch. 6, sec. 1. Acts 1881 (Spec. Sess.); Burns 3-509; Baldwin 777.

²⁷ Acts 1881 (Spec. Sess.), 1897; Burns 3-522; Baldwin 791.

²⁸ Acts 1814, ch. 8, sec. 8. Acts 1816-17, ch. 4, sec. 36; ch. 5, sec. 22. Acts 1817-18 (general), ch. 3, sec. 63; ch. 66, sec. 1. Rev. Laws 1824, ch. 10, sec. 1; ch. 74, sec. 55. Acts 1881 (Spec. Sess.); Burns 2-3301 to 2-3314; Baldwin 523, 526, 525, 527, 521, 522, 531, 532, 427, 528 to 530, 535, 524.

²⁹ Acts 1807, ch. 32, sec. 3. Acts 1816-17, ch. 4, sec. 12. Rev. Laws 1824, ch. 74, sec. 16. Acts 1881 (Spec. Sess.); Burns 2-1701; Baldwin 289.

³⁰ Acts 1807, ch. 16, secs. 1, 2. Acts 1813-14, ch. 34. Acts 1817-18 (general), ch. 13, secs. 1, 2. Rev. Laws 1824, ch. 79, sec. 4. Acts 1881 (Spec. Sess.), 1901; Burns 6-291, 6-301; Baldwin 3025, 3030.

³¹ Acts 1807, ch. 46, sec. 41. Acts 1810, ch. 22. Acts 1881 (Spec. Sess.); Burns 2-1501; Baldwin 211.

³² Acts 1816-17, ch. 4, sec. 36; ch. 5, sec. 18. Acts 1817-18 (general), ch. 13, sec. 19. Rev. Laws 1824, ch. 5, sec. 24; ch. 74, sec. 13; ch. 79, sec. 2. Rev. Laws 1831, ch. 6, secs. 1, 26. Acts 1881 (Spec. Sess.); Burns 2-3209, 3-303, 3-503, 3-519, 6-501, 6-1506, 6-2001; Baldwin 484, 726, 776, 788, 3048, 3229, 3277. 2 Rev. Stat. 1852; Burns 7-502; Baldwin 3396. 2 Rev. Stat. 1852, Acts 1857, 1881 (Spec. Sess.); Burns 8-104; Baldwin 3421.

³³ Acts 1814, ch. 8, sec. 3; ch. 13, sec. 5; ch. 21, secs. 19, 39. Acts 1816-17, ch. 2, sec. 12; ch. 4, secs. 1, 11, 12, 28, 32. Acts 1817-18 (general), ch. 3, sec. 11. Rev. Laws 1824, ch. 73, sec. 15; ch. 74, secs. 15, 33, 55. Rev. Stat. 1843, ch. 38, secs. 43, 51; ch. 40, secs. 189, 367, 487. 2 Rev. Stat. 1852, pt. 2, ch. 1, sec. 358. Acts 1881 (Spec. Sess.), 1929; Burns 2-1103, 2-2520, 2-3314; Baldwin 179, 392, 524. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

Docketing appeals. Acts 1881 (Spec. Sess.); Burns 2-3226; Baldwin 500.

³⁴ Acts 1913, ch. 47, secs. 17, 18. Acts 1931, 1933, 1937; Burns, 1939 suppl., 6-2407; Baldwin, 1937 suppl., 15945.

³⁵ Acts 1807, ch. 16, secs. 2, 18, 19. Acts 1817-18 (general), ch. 13, secs. 1, 2. Rev. Laws 1824, ch. 79, secs. 8, 38. Acts 1891, ch. 194, sec. 114. Acts 1909, ch. 10, sec. 1. Acts 1881 (Spec. Sess.), 1883; Burns 6-2205; Baldwin 3014.

³⁶ Acts 1911; Burns 3-2607; Baldwin 1147.

³⁷ Acts 1846-47 (general), ch. 54, sec. 1. Acts 1889; Burns 8-137; Baldwin 3424.

from judicial sales;³⁸ he records orders, judgments,³⁹ indictments,⁴⁰ notices of lis pendens,⁴¹ and probated wills;⁴² draws up a record of the proceedings of the court daily;⁴³ enters in a final record book a complete record of causes finally determined;⁴⁴ prepares and certifies transcripts of proceedings for change of venue from the county⁴⁵ or for appeal to a higher court;⁴⁶ receives payments for all judgments of record in his office;⁴⁷ and prepares budget estimates for the circuit court.⁴⁸ He keeps the jury box containing names selected by the jury commissioners (the key thereto being kept by a jury commissioner), draws therefrom names of persons to serve on the grand jury and petit jury, records their names in the order book, and issues a venire to require such persons to appear in court.⁴⁹ All new actions and proceedings of the

³⁸ Acts 1879, ch. 79, sec. 7. Acts 1881 (Spec. Sess.); Burns 2-4001; Baldwin 624.

³⁹ Acts 1814, ch. 13, sec. 4. Acts 1815, ch. 11, secs. 14-16. Acts 1816-17, ch. 5, sec. 22. Acts 1817-18 (general), ch. 3, sec. 63; ch. 66, sec. 5. Rev. Laws 1824, ch. 40, sec. 13. Acts 1825, ch. 8, sec. 1. Rev. Stat. 1843, ch. 38, sec. 40. Acts 1893; Burns 2-822; Baldwin 103. Acts 1881 (Spec. Sess.), 1929; Burns 2-2520, 2-2706; Baldwin 392, 421. Acts 1915; Burns 3-1410; Baldwin 968. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

⁴⁰ 2 Rev. Stat. 1852, pt. 3, ch. 1, sec. 63 (repealed by Acts 1881 (Spec. Sess.), ch. 36, sec. 323). Acts 1881 (Spec. Sess.), ch. 36, sec. 99. Acts 1905; Burns 9-904; Baldwin 2126.

⁴¹ Acts 1877 (Spec. Sess.), ch. secs. 1, 4. Acts 1881 (Spec. Sess.); Burns 2-813 to 2-821; Baldwin 94 to 96, 101, 102, 97 to 100. Acts 1893; Burns 2-822; Baldwin 103. Acts 1905; Burns 56-505; Baldwin 14708-1.

⁴² Domestic probate. Acts 1807, ch. 16, sec. 2. Acts 1817-18 (general), ch. 13, sec. 2. Acts 1881 (Spec. Sess.), 1883; Burns 6-2205; Baldwin 3014. 2 Rev. Stat. 1852; Burns 7-411; Baldwin 3385.

Foreign probate. 2 Rev. Stat. 1852; Burns 7-415 to 7-417; Baldwin 3389 to 3391.

⁴³ Acts 1814, ch. 20, sec. 11. Acts 1816-17, ch. 3, sec. 3. Acts 1817-18 (general), ch. 3, sec. 62. Rev. Laws 1824, ch. 74, sec. 54. 2 Rev. Stat. 1852, Acts 1885, 1933; Burns 4-324; Baldwin 1413.

⁴⁴ Acts 1817-18 (general), ch. 3, sec. 63; ch. 66, sec. 5. Rev. Laws 1824, ch. 10, sec. 1. Rev. Stat. 1843, ch. 38, secs. 40, 52. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

⁴⁵ Acts 1813-14, ch. 37, secs. 1, 2. Acts 1818-19, ch. 3, sec. 4. Acts 1881 (Spec. Sess.); Burns 2-1406; Baldwin 191. Acts 1905; Burns 9-1305; Baldwin 2226.

Fees on change of venue, and record thereof. Acts 1913, ch. 256, sec. 2. Acts 1927; Burns 2-1421; Baldwin 203. *Opinions of the Attorney General of Indiana, 1934*, p. 128.

⁴⁶ Acts 1807, ch. 2, sec. 10. Acts 1813-14, ch. 29, sec. 11. Acts 1903, 1915; Burns 2-3104; Baldwin 462. Acts 1881 (Spec. Sess.); Burns 2-3105; Baldwin 455. Acts 1903, 1933; Burns 2-3112; Baldwin 466.

⁴⁷ Acts 1875; Burns 49-2719; Baldwin 1438.

⁴⁸ Acts 1899; Burns 26-516; Baldwin 5380.

⁴⁹ Acts 1817-18 (general), ch. 48, secs. 2, 3. Rev. Laws 1824, ch. 56, secs. 1-3. Rev. Laws

circuit court are filed in the office of the clerk, and are numbered in consecutive order as filed.⁵⁰ He is charged with the duty of keeping and preserving the official records of the court.⁵¹ Formerly he issued certificates showing discharge of apprentices by the court.⁵² From 1829 until 1853 he was ex officio clerk of the probate court (abolished in 1853);⁵³ and from 1853 until 1873 he was ex officio clerk of the court of common pleas (abolished in 1873).⁵⁴

The clerk issues licenses for marriages,⁵⁵ physicians, surgeons,⁵⁶ midwives,⁵⁷ osteopaths,⁵⁸ chiropractors, drugless healers,⁵⁹ dentists,⁶⁰ optometrists,⁶¹ hunting, trapping, fishing,⁶² poultry dealers,⁶³ junk dealers,⁶⁴ and for carrying pistols.⁶⁵ He approves (unless other provision is

1831, ch. 53, secs. 1, 2. Acts 1881 (Spec. Sess.), 1939; Burns, 1939 suppl., 4-3304; Baldwin, 1939 suppl., 1267. Acts 1881 (Spec. Sess.), 1895, 1913; Burns 4-3305, 4-3306; Baldwin 1272, 1270.

⁵⁰ Acts 1881 (Spec. Sess.); Burns 2-1053; Baldwin 158. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

⁵¹ 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

⁵² Acts 1817-18 (general), ch. 51, sec. 2. Rev. Laws 1824, ch. 3, sec. 2. Rev. Laws 1831, ch. 4, sec. 2.

⁵³ Acts 1829-30, ch. 26, sec. 3. Rev. Laws 1831, ch. 25, sec. 7. 1 Rev. Stat. 1852, ch. 92, sec. 1. 2 Rev. Stat. 1852, pt. 1, ch. 8, sec. 43.

⁵⁴ 2 Rev. Stat. 1852, pt. 1, ch. 8, secs. 25, 26. Acts 1873; Burns 4-328; Baldwin 1417.

⁵⁵ Acts 1807, ch. 7, sec. 2. Acts 1817-18 (general), ch. 34, secs. 3, 4, 7. Rev. Stat. 1838, ch. 68, sec. 3. Rev. Stat. 1843, ch. 35, secs. 8, 9, 12. 1 Rev. Stat. 1852; Burns 44-201; Baldwin 5622.

⁵⁶ Acts 1881, ch. 19, secs. 10, 11. Acts 1885 (Spec. Sess.), ch. 77, sec. 2 (repealed by Acts 1897, ch. 169, sec. 10). Acts 1897; Burns 63-1303; Baldwin 10705.

⁵⁷ Acts 1897; Burns 63-1309; Baldwin 10709.

⁵⁸ Acts 1901; Burns 63-1316; Baldwin 10716.

⁵⁹ Acts 1927; Burns 63-1312; Baldwin 10713.

⁶⁰ Acts 1939, ch. 211, secs. 5, 7-11. Acts 1913, 1931, 1935; Burns, 1939 suppl., 63-504; Baldwin, 1935 suppl., 5589. Acts 1913, 1931; Burns 63-506, 63-507; Baldwin 5591, 5592.

⁶¹ Acts 1907; Burns 63-1009; Baldwin 13180. Acts 1907, 1935; Burns, 1939 suppl., 63-1010, 63-1011; Baldwin, 1935 suppl., 13181, 13182.

⁶² Acts 1901, ch. 203, sec. 13. Acts 1907, ch. 216, sec. 9. Acts 1911, ch. 286, secs. 1, 2. Acts 1927, 1933; Burns 11-302, 11-310; Baldwin 8303, 8309. Acts 1937; Burns, 1939 suppl., 11-1403; Baldwin, 1937 suppl., 8229-3.

The cited sections of the acts of 1901, 1911, 1927, and 1933 were repealed by Acts 1937, ch. 21, sec. 161.

⁶³ Acts 1917, 1929, 1932 (Spec. Sess.); Burns 42-802; Baldwin 10486.

⁶⁴ Acts 1905; Burns 42-703; Baldwin 10462.

⁶⁵ Acts 1925, ch. 207, sec. 7. Acts 1929, ch. 98, sec. 1. Acts 1935, ch. 63, sec. 21. Acts 1935, 1937; Burns, 1939 suppl., 10-4738; Baldwin, 1937 suppl., 2569-5.

made by law), files, and keeps a record of the bonds of county officers (except his own and the bonds of the county assessor and county superintendent of schools), township officers,⁶⁶ and notaries public.⁶⁷ He files copies of the official oaths of county officers.⁶⁸ He records timber brands,⁶⁹ certificates of patents granted by the United States Patent Office,⁷⁰ assumed business names,⁷¹ trade marks and trade names used on bottles and other containers,⁷² inventories and accounts of trustees,⁷³ appointments of railroad agents for service of process,⁷⁴ and termination of authority of railroad policemen.⁷⁵ He records marriage licenses, the application therefor, and certificates of marriages;⁷⁶ and makes monthly reports to the county health officer concerning marriages for the preceding month.⁷⁷ He registers certificates of trained nurses,⁷⁸ and keeps a register of estrays and articles adrift in the county.⁷⁹ He administers oaths,⁸⁰ takes acknowledgments of written

⁶⁶ Acts 1813, ch. 5; ch. 8, sec. 11. Acts 1815, ch. 5, secs. 2, 3. Acts 1816-17, ch. 2, sec. 3; ch. 13, sec. 3. Acts 1817-18 (general), ch. 42, sec. 3; ch. 72, sec. 1. Acts 1818-19, ch. 2, sec. 1. Rev. Laws 1824, ch. 13, sec. 2. Rev. Laws 1831, ch. 15, sec. 7; ch. 20, sec. 28. Acts 1833-34, ch. 16, sec. 1. Rev. Stat. 1843, ch. 4, secs. 84, 86, 89; ch. 10, sec. 2. Acts 1899, 1911, 1913; Burns 28-702; Baldwin 5931. 1 Rev. Stat. 1852; Burns 49-105; Baldwin 13063. Acts 1889; Burns 49-109; Baldwin 13064. Acts 1857; Burns 49-124; Baldwin 13077. Acts 1857; Burns 49-125; Baldwin 16118. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433. Acts 1919, 1921; Burns 64-1101; Baldwin 15696.

⁶⁷ 1 Rev. Stat. 1852, Acts 1855; Burns 49-3503; Baldwin 13016.

⁶⁸ Acts 1807, ch. 92, sec. 1. Acts 1816-17, ch. 11, sec. 4; ch. 13, sec. 4; ch. 19, sec. 1; ch. 39, sec. 1. Acts 1817-18 (special), ch. 3, sec. 3. Acts 1817-18 (general), ch. 29, sec. 2; ch. 42, sec. 3. Rev. Laws 1824, ch. 24, sec. 3; ch. 73, sec. 31. 1 Rev. Stat. 1852; Burns 49-104; Baldwin 7534.

⁶⁹ Acts 1901; Burns 51-338; Baldwin 13265.

⁷⁰ Acts 1869 (Spec. Sess.), 1899; Burns 51-401; Baldwin 2772.

⁷¹ Acts 1909; Burns 50-201, 50-202; Baldwin 13210, 13211.

⁷² Acts 1897, ch. 192, sec. 1. Acts 1917, 1931; Burns 66-101; Baldwin 16179.

⁷³ Acts 1937; Burns, 1939 suppl., 6-2514; Baldwin, 1937 suppl., 3221-14.

⁷⁴ Acts 1877 (Spec. Sess.); Burns 55-3301 to 55-3303; Baldwin 14329 to 14331.

⁷⁵ Acts 1927; Burns 55-3408; Baldwin 14654.

⁷⁶ Acts 1807, ch. 7, sec. 4. Acts 1817-18 (general), ch. 34, sec. 6. Rev. Stat. 1838, ch. 68, sec. 6. 1 Rev. Stat. 1852; Burns 44-203; Baldwin 5624. Acts 1905, 1917; Burns 44-205; Baldwin 5625.

⁷⁷ Acts 1881, ch. 19, sec. 11. Acts 1891, ch. 15, sec. 11. Acts 1907, 1913; Burns 35-115; Baldwin 8398.

⁷⁸ Acts 1905, 1913, 1931; Burns 63-903; Baldwin 13036.

⁷⁹ Acts 1807, ch. 20, secs. 1-3. Acts 1817-18 (general), ch. 68, secs. 2, 3. Rev. Laws 1824, ch. 39, sec. 2. 1 Rev. Stat. 1852; Burns 51-306, 51-315; Baldwin 13233, 13243.

⁸⁰ Acts 1817-18 (general), ch. 29, sec. 2; ch. 42, sec. 3. Acts 1818-19, ch. 17, sec. 1. Rev. Laws 1824, ch. 10, sec. 2; ch. 73, sec. 31. 2 Rev. Stat. 1852; Burns 49-2708; Baldwin 1435.

instruments,⁸¹ and distributes session laws enacted by the general assembly.⁸²

Formerly the clerk issued liquor licenses,⁸³ brokers' licenses,⁸⁴ licenses for sale of foreign merchandise,⁸⁵ licenses for veterinarians,⁸⁶ stallions,⁸⁷ and petty money lenders;⁸⁸ kept a negro register,⁸⁹ a register of certificates of agents of foreign insurance companies,⁹⁰ a roll of attorneys of the county,⁹¹ lists of shareholders of banks of the county,⁹² lists of lands purchasable at all land offices in the state,⁹³ standards of weights and measures,⁹⁴ plats of changes in routes of roads and canals,⁹⁵ a record of roads and objects connected therewith,⁹⁶ and a record of the creation and boundaries of townships;⁹⁷ filed bounty certificates,⁹⁸ bonds of ferryman⁹⁹

⁸¹ Acts 1817-18 (general), ch. 28, sec. 12. Rev. Laws 1824, ch. 32, sec. 12. Rev. Laws 1831, ch. 41, sec. 10. 1 Rev. Stat. 1852, Acts 1859; Burns 56-123; Baldwin 14674.

⁸² Acts 1933, 1935; Burns, 1939 suppl., 49-1612, 49-1612a, 49-1614; Baldwin, 1935 suppl., 14956, 15956-1, 14958. Acts 1897; Burns 49-1613; Baldwin 14957.

⁸³ Acts 1807, ch. 17, sec. 4. Acts 1817-18 (general), ch. 47, sec. 3. Acts 1820-21, ch. 36, secs. 1, 2. Rev. Laws 1824, ch. 107, sec. 3. Acts 1917, ch. 4, secs. 6, 12.

⁸⁴ Acts 1840-41 (general), ch. 5, sec. 18.

⁸⁵ Acts 1813, ch. 8, sec. 25. Acts 1816-17, ch. 17, sec. 4. Acts 1817-18 (general), ch. 44, sec. 4. Rev. Laws 1824, ch. 23, sec. 3. Rev. Laws 1831, ch. 21, sec. 7.

⁸⁶ Acts 1901, ch. 189, sec. 7 (repealed by Acts 1905, ch. 98, sec. 17).

⁸⁷ Acts 1889, ch. 116, sec. 1 (superseded by Acts 1913, ch. 28, creating the stallion enrollment board).

⁸⁸ Acts 1913, ch. 167, secs. 1-4 (repealed by Acts 1917, ch. 125, sec. 6).

⁸⁹ Acts 1807, ch. 64, secs. 2, 6, 10, 12. 1 Rev. Stat. 1852, ch. 74, sec. 3 (repealed by Acts 1867, ch. 128, sec. 1).

⁹⁰ Acts 1865 (Spec. Sess.), ch. 15, sec. 1. Acts 1877, ch. 43, sec. 1. Acts 1899, ch. 245, sec. 1. Acts 1901, ch. 180, sec. 1. Acts 1903, ch. 66, sec. 1. All of these laws were repealed by Acts 1935, ch. 162, sec. 276.

⁹¹ Acts 1807, ch. 29, secs. 1, 3. Acts 1814, ch. 2, sec. 12. Rev. Stat. 1843, ch. 38, sec. 93.

⁹² 1 Rev. Stat. 1852, ch. 10, sec. 30.

⁹³ Acts 1825, ch. 47, sec. 2. Rev. Laws 1831, ch. 11, sec. 6. Rev. Stat. 1838, ch. 10, secs. 6, 7.

⁹⁴ Acts 1807, ch. 58, secs. 1, 2. Acts 1817-18 (general), ch. 67, secs. 1, 2. Rev. Laws 1824, ch. 116. Rev. Laws 1831, ch. 110.

⁹⁵ Rev. Stat. 1838, ch. 17, sec. 56.

⁹⁶ Acts 1815, ch. 5, sec. 19.

⁹⁷ Acts 1807, ch. 9, sec. 1.

⁹⁸ Acts 1816-17, ch. 23, sec. 3.

⁹⁹ Acts 1817-18 (general), ch. 45, sec. 8. Rev. Laws 1824, ch. 42, sec. 8. Rev. Laws 1831, ch. 38, sec. 5.

and liquor dealers,¹⁰⁰ public contracts for support of paupers,¹⁰¹ and enumerations of soldiers and sailors;¹⁰² and recorded limited partnerships,¹⁰³ marks and brands of animals,¹⁰⁴ and prison bounds.¹⁰⁵

The clerk serves ex officio as registration officer for the county¹⁰⁶ and as a member of the county election boards¹⁰⁷ and the county school fund board.¹⁰⁸ Formerly he was required to perform the duties of the office of school commissioner if there was no school commissioner.¹⁰⁹ Many duties of the clerk (not set out herein) were transferred to the auditor in 1841.¹¹⁰

All funds received by the clerk must be deposited in a depository designated by the board of finance, and may be withdrawn by checks signed by the clerk or his authorized deputy.¹¹¹ He reports to the county auditor and treasurer all fees and fines collected by him.¹¹² All moneys remaining in the office of the clerk for 10 years without being demanded by the parties entitled thereto are paid to the attorney general.¹¹³

¹⁰⁰ Acts 1817-18 (general), ch. 47, secs. 2, 3. Rev. Laws 1824, ch. 107, sec. 1.

¹⁰¹ Acts 1807, ch. 23, sec. 4. Rev. Laws 1824, ch. 72, sec. 3. Rev. Laws 1831, ch. 69, sec. 2.

¹⁰² Acts 1885 (Spec. Sess.), ch. 97, secs. 1, 3 (both repealed by Acts 1895, ch. 100, sec. 1). Acts 1913, ch. 46, secs. 1, 2 (both repealed by Acts 1923, ch. 4, sec. 1).

¹⁰³ Rev. Stat. 1838, ch. 78, secs. 5-7.

¹⁰⁴ Acts 1807, ch. 6, sec. 18.

¹⁰⁵ Acts 1817-18 (general), ch. 32, sec. 1. Rev. Laws 1824, ch. 77, sec. 1. Rev. Laws 1831, ch. 75, sec. 1.

¹⁰⁶ Acts 1933, 1935; Burns, 1939 suppl., 29-306; Baldwin, 1935 suppl., 7304. See the essay entitled "Registration Officer."

¹⁰⁷ See the essays entitled "Board of Primary Election Commissioners", "County Board of Election Commissioners", and "County Board of Canvassers."

¹⁰⁸ Acts 1865, 1935; Burns, 1939 suppl., 23-209; Baldwin, 1935 suppl., 6558. See the essay entitled "County School Fund Board."

¹⁰⁹ Acts 1836-37 (general), ch. 21, sec. 1.

¹¹⁰ See the essay entitled "Auditor."

¹¹¹ Acts 1937; Burns, 1939 suppl., 61-673, 61-674; Baldwin, 1937 suppl., 1438-1, 1438-2.

¹¹² Acts 1807, ch. 1, sec. 2; ch. 2, sec. 8. Acts 1815, ch. 10. Acts 1816-17, ch. 17, sec. 6; ch. 27, sec. 1. Acts 1817-18 (general), ch. 44, sec. 6; ch. 72, secs. 2, 3; ch. 79, sec. 1. Acts 1828-29, ch. 24, sec. 1, 2. Rev. Laws 1831, ch. 15, sec. 15. Acts 1841-42 (general), ch. 45, sec. 3. Rev. Stat. 1843, ch. 13, sec. 89; ch. 38, sec. 64. Acts 1891, ch. 194, sec. 125. Acts 1895, 1903, 1913; Burns 49-1402; Baldwin 7577. 2 Rev. Stat. 1852, Acts 1891; Burns 49-2710; Baldwin 1437.

¹¹³ Acts 1933; Burns 49-2717, 49-2718; Baldwin 15177, 15178.

The clerk keeps the official records of the circuit court,¹¹⁴ a cashbook,¹¹⁵ a daily balance record,¹¹⁶ and a register of fees received by him;¹¹⁷ and must preserve in his office all records and writings appertaining to his official duties.¹¹⁸ On request and payment of a fee therefor, the clerk furnishes certified copies of records and papers on file in his office.¹¹⁹

The state board of accounts (created in 1909) has prescribed forms for the following books to be used by the clerk: Cashbook of receipts and disbursements; daily balance record; entry and issue docket and fee book; estate entry claim and allowance docket and fee book; guardianship docket and fee book; register of fees and funds held in trust; support docket; index and record of receiverships; judgment docket; record of poultry dealers' licenses and applications therefor. Forms of printed blanks have also been prescribed.¹²⁰

OFFICIAL BONDS

(See also entries 257-261)

24. OFFICIAL BOND RECORD, 1853-. 9 vols.

Record of bonds posted by county officials and notaries public, showing date, amount and conditions of bond, and names of official and sureties. Also contains: Justice of Peace and Constable Bonds, 1853-64, 1886-, entry 27. Arr. chron. by dates of bonds. Indexed alph. by names of officials. Hdw. 500 pp. 18 x 12 x 2½. 6 vols., 1853-1920, NE. stor. rm., 8d fl.; 3 vols., 1921-, clk. off.

25. OFFICIAL BONDS, 1870-. 8 f. b.

Original bonds posted by county officials and justices of the peace, showing date, amount and conditions of bond, and names

¹¹⁴ 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

¹¹⁵ Acts 1879 (Spec. Sess.); Burns 49-2722; Baldwin 1442.

¹¹⁶ Acts 1937; Burns, 1939 suppl., 61-623; Baldwin, 1937 suppl., 13844-44.

¹¹⁷ Acts 1909, ch. 10, sec. 1. Acts 1927; Burns 49-1301; Baldwin 7561. Acts 1879 (Spec. Sess.); Burns 49-2723; Baldwin 1443.

Probate fee book. Acts 1881 (Spec. Sess.), 1883; Burns 6-2205; Baldwin 3014.

¹¹⁸ Acts 1810, ch. 38. Acts 1817-18 (general), ch. 13, sec. 2; ch. 66, sec. 4. Rev. Laws 1824, ch. 10, sec. 1. Acts 1829-30, ch. 10, sec. 1. Rev. Laws 1831, ch. 15, sec. 1. Rev. Stat. 1843, ch. 38, sec. 50. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

¹¹⁹ Acts 1817-18 (general), ch. 13, sec. 18. 2 Rev. Stat. 1852; Burns 49-2707; Baldwin 1434.

¹²⁰ Acts 1909; Burns 60-202; Baldwin 13855. Interview of May 18, 1939 with E. P. Brennan, state examiner.

of official and sureties. Also contains: Notary Bonds, 1870-1914, 1930-, entry 26. Arr. chron. by dates of bonds. No index. Hdw. and typed. 5 x 4 x 10. 6 f. b., 1870-1927, NE. stor. rm., 3d fl.; 2 f. b., 1928-, clk. off.

26. NOTARY BONDS, 1915-29. 3 f. b. 1870-1914, 1930- in Official Bonds, entry 25.

Original bonds posted by notaries public, showing date, amount and conditions of bond and names of notary and sureties. Arr. chron. by dates of bonds. No index. Typed. 5 x 4 x 10. NE. stor. rm., 3d fl.

27. JUSTICE OF PEACE AND CONSTABLE BONDS, 1865-85. 1 vol.

1853-64, 1886- in Official Bond Record, entry 24.

Record of bonds posted by justices of the peace and constables, showing date, amount and conditions of bond, and names of justice or constable and sureties. Arr. chron. by dates of bonds. Indexed alph. by names of justices and notaries. Hdw. 500 pp. 18 x 12 x 2½. NE. stor. rm., 3d fl.

LICENSES AND CERTIFICATES

MARRIAGE (see also entry 290)

28. MARRIAGE APPLICATION RECORD, Mar. 22, 1928-. 5 vols. (15-19).

Record of marriage applications, licenses issued and certificates returned, showing dates of application, license and return, names, ages, color, places and dates of birth, present addresses, occupations and family history of bride and groom, and names, ages, occupations and addresses of parents. This is a combination of two records formerly kept separately: Marriage Record, entry 29; Record of Marriage Applications, entry 30. Also contains: Marriage Affidavits, entry 31. Arr. chron. by dates of applications. Indexed alph. by names of brides and grooms. Hdw. 600 pp. 18 x 12 x 3. Clk. off.

29. MARRIAGE RECORD, 1815-Mar. 21, 1928. 18 vols. (1-18).

Mar. 22, 1928- in Marriage Application Record, entry 28.

Record of marriage licenses issued and certificates returned, showing dates of license and certificate, names of bride and groom, and name and title of officiating officer. Arr. chron. by dates of licenses. Indexed alph. by names of brides and grooms. 600 pp. 18 x 12 x 3. Clk. off.

30. RECORD OF MARRIAGE APPLICATIONS, 1906-Mar. 21, 1928. 17 vols. (1-17). Mar. 22, 1928- in Marriage Application Record, entry 28.

Record of applications for marriage licenses, showing date

of application, names, addresses, ages, dates and places of birth and occupation of bride, groom and parents, and previous marital status of bride and groom. Also contains: Marriage Affidavits, entry 31. Arr. chron. by dates of applications. Indexed alph. by names of brides and grooms. Hdw. 600 pp. 18 x 12 x 3. Clk. off.

31. MARRIAGE AFFIDAVITS, 1868-1905. 2 vols. 1906-Mar. 21, 1928 in Record of Marriage Applications, entry 30; Mar. 22, 1928—in Marriage Application Record, entry 28.

Record of affidavits of witnesses as to ages and residences of applicants for marriage licenses, showing date of affidavit, and names of affiants and applicants. Arr. chron. by dates of affidavits. Indexed alph. by names of applicants. Hdw. 175 pp. 16 x 10 x 1. NE. stor. rm., 3d fl.

32. MARRIAGE RETURNS, 1820—. 46 f. b.

Certificates of marriage returned by officiating officer, showing dates of certificate and filing, and names of bride, groom, witnesses and person officiating. Arr. chron. by dates of filing. No index. Hdw. 5 x 4 x 10. 44 f. b., 1820-1931, NE. stor. rm., 3d fl.; 2 f. b., 1932—, clk. off.

PROFESSIONAL

33. [RECORD OF PHYSICIANS' LICENSES], 1898—. 3 vols.

Record of certificates issued by state board of medical registration and examination and licenses issued to physicians to practice in county, showing name, age, address and birthplace of physician, college attended, dates of graduation and license, and certificate number. Also contains: Drugless Physicians' License Record 1898-1926, entry 34. Arr. chron. by dates of licenses. Indexed alph. by names of physicians. Hdw. 290 pp. 14 x 20 x 2. Clk. off.

34. DRUGLESS PHYSICIANS' LICENSE RECORD, 1927—. 1 vol. 1898-1926 in [Record of Physicians' Licenses], entry 33.

Record of licenses issued to drugless physicians to practice in county upon presentation of certificates issued by state board of medical registration and examination, showing dates of license, certificate, diploma and birth of physician, name and birthplace of physician, name and address of college attended, certificate number, and kind of practice. Arr. chron. by dates of licenses. Indexed alph. by names of physicians. Hdw. 324 pp. 14 x 8 x 2. Clk. off.

35. REGISTER OF DENTISTS' LICENSES, 1899-. 1 vol.

Record of licenses issued to dentists to practice in county upon presentation of certificates issued by state board of dental examiners, showing dates and numbers of certificate and license, and name, age, date and place of birth, and business address of dentist. Arr. chron. by dates of licenses. Indexed alph. by names of dentists. Hdw. 220 pp. 14 x 10 x 2. Clk. off.

36. OPTOMETRY LICENSE RECORD, 1907-. 1 vol.

Record of licenses issued to practice optometry in county upon presentation of certificates issued by state board of registration and examination in optometry, showing dates of certificate and license, name of optometrist, and number and duration of licenses. Arr. chron. by dates of licenses. No index. Hdw. 132 pp. 14 x 10 x 1. Clk. off.

37. REGISTER OF TRAINED NURSES, 1918-. 1 vol.

Register of graduate nurses licensed to practice in county, showing date of registration, name and address of nurse, and certificate number. Arr. chron. by dates of registrations. No index. Hdw. 100 pp. 8 x 8 x $\frac{3}{4}$. Clk. off.

COMMERCIAL

38. JUNK DEALER'S LICENSE, 1905-. 1 vol.

Record of applications for and licenses issued to purchase, trade and collect junk, showing dates of application and license, number and term of license, and name and address of dealer. Arr. chron. by dates of applications. Indexed alph. by names of dealers. Hdw. 140 pp. 14 x 10 x 1. Clk. off.

39. POULTRY DEALER'S LICENSE, 1917-. 3 vols.

Record of applications for and licenses issued to purchase poultry, showing dates of application and license, number and term of license, name and address of dealer, and amount of fee. Arr. chron. by dates of applications. Indexed alph. by names of dealers. Hdw. 200 pp. 16 x 9 x 1. Clk. off.

40. PARTNERSHIP RECORD, 1909-. 1 vol.

Record of certificates of individuals, firms or partnerships engaged in business under names other than their own, showing date of filing, names of individual, firm or partnership, names and addresses of firm or partnership members, and nature and location of business. Arr. chron. by dates of filing. Indexed alph. by names of partnerships or firms. Hdw. 201 pp. 16 x 10 x 2. Clk. off.

41. RECORD OF INSURANCE STATEMENTS, 1886-1919. 2 vols. (1, 2). Discontinued. Agents' licenses as now issued by state are valid in all counties. 1879-85 in Civil Order Book, entry 114.

Record of insurance agents certificates issued by auditor of state and filed with clerk to transact business in county, showing name of company and agent, date of filing, location of principal office of company, names of president and secretary, and statement of assets and liabilities of company. Arr. chron. by dates of filing. No index. Hdw. 300 pp. 16 x 12 x 2. NE. stor. rm., 3d fl.

42. INSURANCE STATEMENTS, 1879-1919. 25 f. b.

Insurance agents certificates issued by auditor of state and filed with clerk to transact business in county, showing same information as in entry 41. Arr. chron. by dates of filing. No index. Typed. 5 x 4 x 10. NE. stor. rm., 3d fl.

43. RECORD OF APPLICATIONS FOR SIRE'S LICENSE, 1889-1912. 1 vol. Transferred to state livestock sanitation board Feb. 24, 1913.

Record of improved stock sires and licenses issued for breeding services, showing dates of registration and license, name of owner, and name, age, description, breeding record and pedigree of sire. Arr. chron. by dates of registration. Indexed alph. by names of owners. Hdw. 238 pp. 18 x 12 x 1½. Clk. off.

44. PATENT RIGHT RECORD, 1885-Oct. 19, 1917. 1 vol. Discontinued.

Record of patent rights granted by U. S. Patent Office, showing date letters issued, number of patent, name and address of patentee, and description of article patented. Arr. chron. by dates of letters. No index. Hdw. 45 pp. 18 x 12 x 3. NE. stor. rm., 3d fl.

HUNTING, FISHING AND TRAPPING

45. [HUNTING, FISHING AND TRAPPING LICENSE], 1900-. 2 f. b., 2 vols.

Stubs of resident hunting, fishing and trapping licenses, showing date, number, and duration of license, and name, age, address and description of licensee. Arr. num. by license nos. No index. Hdw. F. b., 5 x 4 x 10; vols., 50 pp. 2½ x 6 x ¼. Clk. off.

46. NONRESIDENT PERMIT TO HUNT AND FISH, 1920-. 1 f. b.

Stubs of nonresident hunting and fishing licenses, showing date, number and duration of license, name, age, address and de-

scription of licenses, and amount of fee. Arr. chron. by dates of licenses. No index. Typed. 5 x 4 x 10. Clk. off.

47. REPORTS OF HUNTING AND FISHING LICENSES, 1921-. 1 f. b. Copies of monthly reports to state superintendent of fisheries and game of sales of hunting, fishing and trapping licenses, showing date of report, number of respective kinds of licenses issued, serial number of license, name of licensee, number of blank licenses on hand, and amount of fees remitted. Arr. chron. by dates of reports. No index. Typed. 5 x 4 x 10. Clk. off.

48. SOLDIERS' FREE PERMITS TO HUNT AND FISH, 1925-. 1 f. b. Applications of veterans for free permits to hunt and fish, showing date of application, and name, residence, age and date of birth of applicant. Arr. chron. by dates of applications. No index. Hdw. 5 x 4 x 10. Clk. off.

FIREARMS

49. PERMIT TO CARRY CONCEALED WEAPONS, 1925-. 3 vols. Duplicates of permits issued to carry concealed firearms, showing dates of application and permit, permit number, name, address and personal description of applicant, description of firearm, and reason for permit. Arr. num. by permit nos. No index. Hdw. 50 pp. 9 x 12 x 1. 1 vol., 1925-29, NE. stor. rm., 3d fl.; 2 vols., 1930-, clk. off.

50. DEALER'S LICENSE TO SELL FIREARMS, 1925-. 1 vol. Record of licenses issued to dealers to retail firearms, showing date and term of license, and name and business address of dealer. Arr. chron. by dates of licenses. No index. Hdw. 100 pp. 6 x 12 x 1/2. Clk. off.

MISCELLANEOUS

51. SOLDIER'S ENROLLMENT RECORD, 1916-18. 1 vol. Register of soldiers, sailors and marines who served in the World War, showing date of enlistment or draft, name, age and address of each, and date of registration. Arr. chron. by dates of registrations. Indexed alph. by names of veterans. Typed. 100 pp. 10 x 14 x 1. Clk. off.

For other military records, see entries 16, 17, 90.

52. NEGRO REGISTER, 1853-55. 1 vol. Register of negro and mulatto residents in Posey County prior to 1851 for purpose of preventing further immigration of such persons to Indiana, showing date of registration, and name, age, birthplace, description and affidavit of residence prior

to 1851. Arr. alph. by names of negroes or mulattoes. No index. Hdw. 200 pp. 18 x 10 x 2. NE. stor. rm., 3d fl.

53. RECORD OF ESTRAY NOTICES, 1844-56. 2 vols.

Record of notices of estrays and property adrift found, showing date of notice, name and address of finder, kind and description of animal or property, appraised valuation, amount due finder, and memoranda of disposition. Arr. chron. by dates of notices. No index. Hdw. 75 pp. 12 x 8 x ½. NE. stor. rm., 3d fl.

RECEIPTS AND DISBURSEMENTS

54. DAILY BALANCE, 1915-. 25 vols. (1-14, 1-11).

Record of clerks daily balance of receipts and disbursements, showing date of balance, amounts of receipts, disbursements, deposits and withdrawals, amount of balance from previous day, cash on hand, and amount in depository at close of day. Arr. chron. by dates of balances. No index. Hdw. 10 x 8 x 1½. 14 vols., 1915-June 1929, NE. stor. rm., 3d fl.; 11 vols., July 1929-, clk. off.

55. REGISTER OF FEES AND FUNDS HELD IN TRUST, 1876-. 10 vols. (1-8, and two vols. not labelled). Title varies: Register of Fees, 1876-1912. 8 vols.

Record of fees and funds held in trust pending proper disbursement, showing dates of payment and disbursement, title of cause, name of payee, and amount of fee or fund. Arr. alph. by names of payees. No index. Hdw. 320 pp. 18 x 12 x 2½. 9 vols., 1876-1914, NE. stor. rm., 3d fl.; 1 vol., 1915-, clk. off.

56. CASH BOOK OF RECEIPTS AND DISBURSEMENTS, 1872-1912, 1928-. 20 vols. (fourteen vols. not labelled, 1-6).

Title varies: Cash Book, 1872-1912, 17 vols.

Daily record of receipts and disbursements, showing dates and amounts of receipt and disbursement, receipt and warrant numbers, names of payer, payee and fund, total receipts and expenditures, and balance. This is a combination of two records intercurrently kept separately: Cash Book of Receipts, entry 57; Cash Book of Disbursements, entry 58. Arr. chron. by dates of receipts and disbursements. No index. 500 pp. 18 x 20 x 3. 17 vols., 1872-1912, attic stor. rm.; 3 vols., 1928-, clk. off.

57. CASH BOOK OF RECEIPTS, 1913-27. 2 vols. (1, 2).

1872-1912, 1928- in Cash Book of Receipts and Disbursements, entry 56.

Daily record of receipts, showing date and amount of receipt,

receipt number, names of payer and fund, and total receipts. Arr. chron. by dates of receipts. No index. Hdw. 400 pp. 20 x 18 x 2. 1 vol., 1913-20, NE. stor. rm., 3d fl.; 1 vol., 1921-27, clk. off.

58. CASH BOOK OF DISBURSEMENTS, 1913-27. 1 vol. 1872-1912, 1928- in Cash Book of Receipts and Disbursements, entry 56.

Daily record of disbursements, showing date and amount of disbursement, warrant number, names of payee and fund, and total disbursements. Arr. chron. by dates of disbursements. No index. Hdw. 400 pp. 18 x 20 x 2. NE. stor. rm. 3d fl.

IV. RECORDER

LEGAL STATUS

The office of recorder exists under the mandatory provisions of the Constitution of 1851 and has existed in Posey County since its organization in 1814. The recorder is elected for a four-year term by the voters of the county. Under the Constitution of 1816 (which created the office in every county then or thereafter organized), the recorder was elected for a seven-year term by the voters of the county.¹ He is commissioned by the Governor of Indiana² and holds office until his successor is elected and qualified.³ No person is eligible to the office for more than eight years in any 12-year period.⁴ The recorder must be an elector of the county, and must have been an inhabitant thereof during one year next preceding his election or appointment;⁵ and while holding this office he must reside within the county, must not hold any other lucrative office,⁶ and must not practice law.⁷ Under the Constitution

¹ Const. 1816, art. 11, sec. 10. Const. 1851, art. 6, sec. 2. Acts 1814, ch. 7, sec. 1. Acts 1816-17, ch. 19, sec. 1. Rev. Stat. 1838, ch. 85, sec. 1. Rev. Stat. 1843, ch. 4, secs. 2, 8; ch. 5, sec. 1; ch. 8, sec. 1. 1 Rev. Stat. 1852, Acts 1901; Burns 49-2201; Baldwin 5469. See also footnote 20 herein.

² Const. 1816, art. 11, sec. 9. Const. 1851, art. 15, sec. 6. 1 Rev. Stat. 1852; Burns 49-201; Baldwin 13035.

³ Const. 1851, art. 15, sec. 3.

⁴ *Ibid.*, art. 6, sec. 2. Carson v. McPhetridge (1860), 15 Ind. 327.

⁵ Const. 1816, art. 11, sec. 14. Const. 1851, art. 6, sec. 4.

⁶ Const. 1816, art. 11, secs. 6, 13. Const. 1851, art. 2, sec. 9; art. 6, sec. 6.

⁷ Acts 1865, ch. 42 (misnumbered 62), sec. 2. Acts 1905; Burns 10-3102; Baldwin 2636. McCracken v. State (1867), 27 Ind. 491.

of 1816 the offices of recorder and clerk of the circuit court could be held simultaneously by one person.⁸ The recorder must post bond in the amount of \$4,000, approved by the board of commissioners and filed with the clerk of the circuit court,⁹ and take an oath that he will support the state and federal constitutions and will faithfully discharge the duties of his office.¹⁰

The recorder receives a regular salary of \$1,120 per year.¹¹ He is permitted to retain, as compensation for himself, in addition to his regular salary, 20 percent of the fees collected by him, provided the total amount of fees so retained be not more than \$4,880.¹²

For sufficient legal grounds the recorder may be removed from office by the circuit court after trial by jury on an accusation presented by the grand jury or verified by the oath of any person; and such removal is subject to review by the supreme court.¹³ If the recorder is convicted of a felony the judgment of conviction must declare his office vacant.¹⁴

Any vacancy in the office of recorder is filled through appointment by the board of commissioners. At the next biennial general election (held on the first Tuesday after the first Monday in November in the even-numbered years) a recorder is elected for the remainder of the term in which the vacancy occurred. The person appointed or elected to fill a vacancy must take an oath and post bond, as was required of

⁸ Const. 1816, art. 11, sec. 10. Rev. Stat. 1843, ch. 4, sec. 62.

⁹ Rev. Laws 1831, ch. 77, secs. 2, 3. Rev. Stat. 1838, ch. 85, secs. 2, 3. Rev. Stat. 1843, ch. 4, secs. 86, 90; ch. 8, secs. 2, 3. Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-104, 49-105, 49-120; Baldwin 13057, 13063, 13068. Acts 1851-52; Burns 49-123; Baldwin 13093. 1 Rev. Stat. 1852, Acts 1901; Burns 49-3201; Baldwin 5469. *State ex rel. Lowry v. Davis* (1884), 96 Ind. 539; *State ex rel. Lowry v. Davis* (1889), 117 Ind. 307, 20 N. E. 159.

¹⁰ Const. 1816, art. 11, sec. 6. Const. 1851, art. 15, sec. 4. Rev. Stat. 1843, ch. 4, secs. 77, 78, 81-84, 92; ch. 8, sec. 4. Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054.

¹¹ Acts 1933; Burns 49-1004; Baldwin 7534.

¹² Acts 1933; Burns 49-1001, 49-1005, 49-1009; Baldwin 7531, 7535, 7539. Acts 1933, 1937; Burns, 1939 suppl., 49-1009; Baldwin, 1937 suppl., 7539. *Shilling v. State ex rel. Board of County Comrs.* (1901), 158 Ind. 185, 62 N. E. 49.

¹³ Const. 1851, art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1897, 1899; Burns 49-821 to 49-834, 49-836; Baldwin 13154 to 13166, 13050, 13168. Acts 1875; Burns 49-837; Baldwin 13052.

¹⁴ Acts 1897, 1899; Burns 49-834; Baldwin 13050.

his predecessor, and holds office until his successor is elected and qualified.¹⁵

Under authority from the board of commissioners the recorder may appoint one deputy and one or more assistants. The county council fixes their salaries, which must be not less than \$75 nor more than \$125 per month.¹⁶ The recorder may require the deputy to give bond.¹⁷ The deputy must take the oath required of the recorder, may perform all of the official duties of the recorder, and is subject to the same regulations and penalties.¹⁸ The recorder may remove such deputy and assistants at any time, and is responsible for their official acts.¹⁹

The office of recorder, with duties similar to those of the present office, was established in Posey County when the county was organized in 1814. The Governor of Indiana Territory appointed the recorder for an indefinite term and could remove him from office at any time. The appointee was required to post bond in the amount of \$1,500.²⁰

FUNCTIONS AND RECORDS

The recorder records, in specific books and files (other than the miscellaneous record), the following documents: Deeds;²¹

¹⁵ Const. 1851, art. 6, sec. 9. Rev. Laws 1824, ch. 36, sec. 1. Rev. Stat. 1838, ch. 85, sec. 14. Rev. Stat. 1843, ch. 4, sec. 155; ch. 8, sec. 16. Acts 1881 (Spec. Sess.); Burns, 29-701; Baldwin 7081. 1 Rev. Stat. 1852; Burns 49-405, 49-408, 49-409; Baldwin 13104, 13106, 13107. Hedley v. Board of County Comrs. (1835), 4 Blackf. 131; Douglass v. State *ex rel.* Wright (1869), 31 Ind. 429. State *ex rel.* Ault v. Long (1883), 91 Ind. 351. Interview of July 11, 1939 with Omer Stokes Jackson, Attorney General of Indiana.

¹⁶ Rev. Stat. 1838, ch. 85, sec. 11. Rev. Stat. 1843, ch. 8, sec. 13. 1 Rev. Stat. 1852, Acts 1855, 1925; Burns 49-501; Baldwin 13108. Acts 1933, 1935, 1937; Burns, 1939 suppl., 49-1002; Baldwin, 1937 suppl., 7532. *Opinions of the Attorney General of Indiana, 1934*, p. 256; 1937, p. 324.

¹⁷ 1 Rev. Stat. 1852, Acts 1855, 1925; Burns 49-501; Baldwin 13108.

¹⁸ 1 Rev. Stat. 1852; Burns 49-502; Baldwin 13109.

¹⁹ Rev. Stat. 1838, ch. 85, sec. 11. Rev. Stat. 1843, ch. 8, sec. 13. 1 Rev. Stat. 1852; Burns 49-503; Baldwin 13110. Acts 1933, 1935, 1937; Burns, 1939 suppl., 49-1002; Baldwin, 1937 suppl., 7532.

²⁰ Acts 1807, ch. 18. Acts 1814, ch. 7, sec. 1.

²¹ Acts 1807, ch. 18, secs. 1, 8, 9. Acts 1817-18 (general), ch. 28, secs. 1, 10. Acts 1819-20, ch. 65, sec. 2. Rev. Laws 1831, ch. 41, sec. 7; ch. 77, secs. 1, 4. Acts 1836-37 (general), ch. 9, secs. 9-16. Rev. Stat. 1838, ch. 44, sec. 7; ch. 85, secs. 1, 4. Rev. Stat. 1843, ch. 8, secs. 5, 9; ch. 28, secs. 24, 25, 48. 1 Rev. Stat. 1852; Burns 49-3210, 56-118, 56-131; Baldwin 5475, 14664, 14665. 1 Rev. Stat. 1852, Acts 1875, 1913, 1921, 1923; Burns 56-119; Baldwin 14671. Lowry v. Smith (1881), 97 Ind. 466.

Cemetery records. Rev. Stat. 1843, ch. 25, secs. 62-65. Acts 1925; Burns 21-223; Baldwin 4648. 1 Rev. Stat. 1852; Burns 25-1521, 25-1522; Baldwin 10600, 10602.

land patents;²² mortgages; releases and assignments of mortgages;²³ maps and plats;²⁴ decrees quieting title to lands;²⁵ old-age assistance awards;²⁶ probated wills;²⁷ soldiers' and

Wabash and Erie Canal deeds. Acts 1881 (Spec. Sess.); Burns 2-1626; Baldwin 267.

Deeds of commissioners appointed by court to make conveyance. Acts 1881 (Spec. Sess.); Burns 3-1008; Baldwin 894.

Tax deeds and certificates. Acts 1813-14, ch. 14, sec. 3. Rev. Stat. 1843, ch. 12, sec. 159. 1 Rev. Stat. 1852, ch. 6, sec. 197. Acts 1881 (Spec. Sess.), ch. 96, sec. 211.

Deeds of school lands and deeds connected with school fund loans. Rev. Stat. 1838, ch. 94 (12), sec. 7. Rev. Stat. 1843, ch. 13, secs. 44, 49. Acts 1899; Burns 28-255; Baldwin 6607.

²² "May be recorded as other deeds and conveyances." Acts 1881; Burns 2-1632; Baldwin 271.

²³ Acts 1807, ch. 18, secs. 1, 4, 8, 9. Acts 1817-18 (general), ch. 28, sec. 1. Acts 1825-26, ch. 42, sec. 17. Rev. Laws 1831, ch. 41, sec. 7; ch. 77, sec. 1. Rev. Stat. 1838, ch. 44, secs. 7, 12; ch. 85, secs. 1, 4, 8, 9. Rev. Stat. 1843, ch. 8, secs. 5, 9; ch. 28, secs. 26, 27, 48; ch. 29, secs. 52, 63, 69-71. Acts 1909, 1917, 1923; Burns 2-617; Baldwin 61-2 (repealed by Acts 1937, ch. 97, sec. 4). Acts 1937; Burns, 1939 suppl., 2-625; Baldwin, 1937 suppl., 61-2c. Acts 1905; Burns 49-3202, 49-3204; Baldwin 5476, 5473. 1 Rev. Stat. 1852; Burns 49-3210; Baldwin 5475. 1 Rev. Stat. 1852, Acts 1875, 1913, 1921, 1923; Burns 56-119; Baldwin 14671. 1 Rev. Stat. 1852; Burns 56-122; Baldwin 14673. 2 Rev. Stat. 1852; Burns 56-705, 56-708; Baldwin 989, 992. Acts 1901; Burns 56-709, 56-710; Baldwin 993, 994. Acts 1925; Burns 56-712, 56-713; Baldwin 10575, 10576. 2 Rev. Stat. 1852, Acts 1877; Burns 56-715; Baldwin 996. Acts 1877; Burns 56-716; Baldwin 998. Acts 1899; Burns 56-717; Baldwin 997. Anderson Bldg. & L. Sav. Assn. v. Thompson (1831) 87 Ind. 278; Mechanics' Bldg. Assn. v. Whitacre (1884), 92 Ind. 547; Chandler v. Scott (1891), 127 Ind. 226, 26 N. E. 797; State ex rel. McCoy v. Krost (1894), 140 Ind. 41, 39 N. E. 46.

Chattel mortgages before 1935 (old system). Rev. Stat. 1838, ch. 85 (first act), sec. 1; ch. 85 (second act), sec. 1. 1 Rev. Stat. 1852, Acts 1897; Burns 33-301, 33-302; Baldwin 8373, 8374 (first section repealed by Acts 1935, ch. 147, sec. 20).

Chattel mortgages and chattel mortgage minute book since 1935. Acts 1935; Burns, 1939 suppl., 51-504 to 51-517; Baldwin, 1935 suppl., 13227-4 to 13327-17.

School fund loans. Acts 1836-37 (general), ch. 2, sec. 10. Rev. Stat. 1838, ch. 85, sec. 10. Acts 1865; Burns 28-233; Baldwin 6583. Stockwell v. State ex rel. Johnson (1885), 101 Ind. 1.

Mortgages held by county agent. Rev. Stat. 1838, ch. 69, sec. 15.

²⁴ Rev. Laws 1831, ch. 77, sec. 7. Rev. Stat. 1838, ch. 85, sec. 12. Rev. Stat. 1843, ch. 8, sec. 14. 1 Rev. Stat. 1852, ch. 9. Acts 1881 (Spec. Sess.); Burns 6-1127; Baldwin 3168. Acts 1925; Burns 21-219 to 21-221, 21-225, 21-226, 21-228; Baldwin 4644 to 4650, 4651, 4653. 1 Rev. Stat. 1852; Burns 25-1522; Baldwin 10602. Acts 1905; Burns 48-801, 48-802; Baldwin 12473, 12474. 1 Rev. Stat. 1852; Burns 49-3232; Baldwin 5432.

²⁵ Acts 1911; Burns 3-1409; Baldwin 968.

²⁶ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1207; Baldwin, 1937 suppl., 14078-38.

²⁷ Acts 1891; Burns 7-712; Baldwin 3413.

Wills probated in another county should be recorded in the deed record. Acts 1933; Burns 7-713; Baldwin 3414.

sailors' discharge papers;²⁸ marks and brands of animals;²⁹ leases of lands;³⁰ powers of attorney;³¹ partitions of real estate under judicial proceedings;³² and newspapers published in the county.³³ Formerly indentures of apprentices (law repealed in 1939)³⁴ and statutory liens of laborers and materialmen (in miscellaneous record since 1893)³⁵ were recorded in specific books.

The recorder keeps a miscellaneous record in which he records the following documents: Farm names;³⁶ surveys establishing a meridian line;³⁷ leases of rolling stock and equipment of railroads;³⁸ statutory liens of laborers, materialmen,³⁹ transfermen,⁴⁰ and owners of stallions;⁴¹ surveyor's field notes;⁴² fence marks;⁴³ official bonds of the

²⁸ Acts 1925; Burns 59-1002 to 59-1004; Baldwin 11002 to 11004. The law requires the recording in a separate book and requires an index thereto. *Ibid.*

²⁹ Acts 1835-36 (general), ch. 24, sec. 1. Rev. Stat. 1838, ch. 85, sec. 6. Rev. Stat. 1843, ch. 8, secs. 11, 12. 1 Rev. Stat. 1852; Burns 49-3231; Baldwin 5474.

³⁰ Rev. Stat. 1843, ch. 28, sec. 25. 1 Rev. Stat. 1852; Burns 56-118; Baldwin 14664. 1 Rev. Stat. 1852, Acts 1875, 1913, 1921, 1923; Burns 56-119; Baldwin 14671.

Miscellaneous record specified. Acts 1897; Burns 56-120.

³¹ Acts 1881 (Spec. Sess.), 1891; Burns 2-2519; Baldwin 391. Acts 1883; Burns 49-1309, 56-108, 56-109; Baldwin 14733, 14729, 14732. 1 Rev. Stat. 1852; Burns 56-106, 56-107, 56-137; Baldwin 14730, 14731.

³² Acts 1859, ch. 103. Acts 1907, ch. 80. Acts 1919; Burns 64-518; Baldwin 15555.

³³ 1 Rev. Stat. 1852; Burns 26-626 to 26-628; Baldwin 5285 to 5287.

³⁴ Rev. Laws 1831, ch. 69, sec. 7. Rev. Stat. 1838, ch. 4, sec. 2. Rev. Stat. 1843, ch. 35, secs. 138, 139. 1 Rev. Stat. 1852; Burns 49-3210; Baldwin 5475.

The law providing for indenturing of apprentices was repealed in 1939. Acts 1939, ch. 10.

³⁵ See footnote 39 herein.

³⁶ Acts 1913; Burns 49-3226 to 49-3230; Baldwin 5488 to 5492.

³⁷ Acts 1895; Burns 49-3327 to 49-3329; Baldwin 10849 to 10851.

³⁸ Acts 1891; Burns 55-3716 to 55-3718; Baldwin 15449 to 15451.

³⁹ Rev. Stat. 1838, ch. 69, sec. 7. Rev. Stat. 1843, ch. 42, sec. 5. 2 Rev. Stat. 1852, pt. 2, ch. 1, sec. 650, p. 182. Acts 1867, ch. 36, sec. 2. Acts 1883, ch. 115, sec. 4. Acts 1909; Burns 43-703, 43-704; Baldwin 10507, 10508. *State ex rel. Lyons v. Phillips* (1901), 157 Ind. 481, 62 N. E. 12.

Corporation employees. Acts 1877 (Spec. Sess.); Burns 43-302; Baldwin 10547.

⁴⁰ Acts 1921, 1929; Burns 43-1002, 43-1003; Baldwin 10529, 10530.

⁴¹ Acts 1889, ch. 116, sec. 4. Acts 1913, 1933; Burns 16-910; Baldwin 3793.

⁴² Acts 1828-29, ch. 94, secs. 1. Rev. Laws 1831, ch. 102, sec. 7. Rev. Stat. 1843, ch. 10, secs. 10, 11, 14. 1 Rev. Stat. 1852, Acts 1925; Burns 49-3205; Baldwin 5470. 1 Rev. Stat. 1852, Acts 1911; Burns 49-3309; Baldwin 5508.

⁴³ Acts 1877 (Spec. Sess.); Burns 30-510; Baldwin 7630.

clerk of the circuit court;⁴⁴ limited partnerships;⁴⁵ statutory statements of express companies;⁴⁶ notices of disputes of easements;⁴⁷ charters and proceedings of corporations and associations;⁴⁸ certificates revoking the admission of foreign corporations to do business in this state;⁴⁹ conditional sales of fixtures;⁵⁰ federal tax lien notices and releases thereof;⁵¹ inheritance tax receipts;⁵² contracts waiving liens of laborers, materialmen, and building contractors;⁵³ releases of vendors' liens;⁵⁴ and other documents presented for recording (not mentioned in the preceding paragraph) which no law requires to be recorded in a separate or specific book or file.⁵⁵ Formerly he recorded, in the miscellaneous record, dentists' certificates of registration (law repealed in 1899)⁵⁶ and special assessments against lands benefited by ditches and

⁴⁴ Rev. Laws 1831, ch. 15, sec. 5. Rev. Stat. 1838, ch. 17. Rev. Stat. 1843, ch. 4, sec. 89. 1 Rev. Stat. 1852; Burns 49-106; Baldwin 13066.

⁴⁵ Such documents are required to be recorded "in a book to be kept for that purpose." Rev. Stat. 1843, ch. 32, sec. 4. Acts 1859; Burns 50-104, 50-106, 50-112; Baldwin 13195, 13197, 13209.

⁴⁶ Acts 1879 (Spec. Sess.); Burns 55-4102; Baldwin 14401.

⁴⁷ 1 Rev. Stat. 1852; Burns 56-804; Baldwin 14775.

⁴⁸ Acts 1820-21, ch. 20, sec. 1. Rev. Laws 1824, ch. 64, secs. 1, 7; ch. 87, secs. 7, 9. Acts 1929; Burns 25-219, 25-228, 25-235, 25-241, 25-242, 25-305, 25-309, 25-311; Baldwin 4919, 4928, 4935, 4941, 4942, 4963, 4967, 4969. Acts 1883; Burns 25-2002; Baldwin 10681. Acts 1909; Burns 25-3602; Baldwin 9280-2.

⁴⁹ Acts 1929; Burns 25-311; Baldwin 4969.

⁵⁰ Acts 1935; Burns, 1939 suppl., 58-806, 58-809 to 58-811; Baldwin, 1935 suppl., 14857-5, 14857-8 to 14857-10.

The law requires that a separate record be kept. *Ibid.*

⁵¹ Acts 1925; Burns 49-3221 to 49-3225; Baldwin 10570 to 10574.

The law requires recording in a file labelled "Federal Tax Lien Notices" and requires the keeping of an index book labelled "Federal Tax Lien Index." *Ibid.*

⁵² Acts 1913, ch. 47, sec. 21.

This act, which was superseded by Acts 1931, ch. 75, provided that such receipts be recorded in a book labelled "Transfer Tax."

⁵³ Acts 1921, ch. 56, sec. 1.

The law requires the recording by the recorder "in books provided by him for that purpose" and requires an index thereto "in books kept for that purpose." *Ibid.*

⁵⁴ Acts 1937; Burns, 1939 suppl., 2-625; Baldwin, 1937 suppl., 61-2c. Acts 1889; Burns 56-144, 56-145; Baldwin 14709, 14703.

⁵⁵ Rev. Laws 1831, ch. 77, sec. 7. Rev. Stat. 1838, ch. 85, sec. 12. Rev. Stat. 1843, ch. 8, sec. 14. 1 Rev. Stat. 1852, Acts 1925; Burns 49-3205; Baldwin 5470. 1 Rev. Stat. 1852; Burns 49-3209; Baldwin 5471.

⁵⁶ Acts 1887, ch. 32, sec. 9. Acts 1899, ch. 211, sec. 29.

drains (law repealed in 1933).⁵⁷ The miscellaneous record was started in Posey County in 1865 and has been kept by the recorders continuously since then. Documents of the kind recorded in the miscellaneous record after 1865 were previously recorded in the deed record. Recorders in all of the counties started keeping miscellaneous records about the same time, though no statute has ever required the keeping of such record. The general assembly has on several occasions required that certain specified documents be recorded in the miscellaneous record, and thus recognized the custom of the recorders in keeping such records.⁵⁸

To entitle any conveyance, mortgage, or other written instrument to be recorded, the execution thereof must be acknowledged or proved in the manner required by law,⁵⁹ and the intangible tax thereon (if any) must be paid.⁶⁰ No conveyance of land can be recorded by the recorder until after the instrument has been presented to the auditor and he has made an endorsement thereon that the land has been duly entered for taxation or is not taxable.⁶¹

The recorder keeps an entry book in which he enters, as filed, all instruments delivered to him for recording, noting the day and hour received, which time is the legal date of recording. Official receipts for such instruments are issued.⁶² He keeps a combined fee book and cashbook, and enters therein, as received, all money received in his office.⁶³ He is

⁵⁷ Acts 1907, ch. 252, sec. 6. Acts 1933, ch. 264, sec. 81.

⁵⁸ Interview of May 18, 1939 with E. P. Brennan, state examiner.

⁵⁹ Acts 1807, ch. 18, sec. 8, 9, 11-13. Acts 1810, ch. 42, sec. 2. Rev. Laws 1831, ch. 41, secs. 7, 11. Rev. Stat. 1838, ch. 44, secs. 7-11. Rev. Stat. 1843, ch. 28, secs. 28-45, 48-51. Acts 1905; Burns 48-801; Baldwin 12473. 1 Rev. Stat. 1852; Burns 49-3212; Baldwin 14666. Acts 1935; Burns, 1939 suppl., 51-507; Baldwin, 1935 suppl., 13227-7. 1 Rev. Stat. 1852, Acts 1859; Burns 56-123 to 56-130, 56-132 to 56-137; Baldwin 14674 to 14676, 14679 to 14683, 14666, 14669, 14658, 14677, 14659, 14733.

The acknowledgment or proof must be recorded with the instrument. *Ibid.*

⁶⁰ Acts 1933; Burns 64-929; Baldwin 15927.

⁶¹ Rev. Stat. 1843, ch. 12, secs. 23, 25, 26. Acts 1881 (Spec. Sess.), ch. 96, sec. 154. 1 Rev. Stat. 1852; Burns 49-3214; Baldwin 5478. Acts 1919; Burns 64-1409; Baldwin 15746.

⁶² Acts 1807, ch. 18, sec. 10. Acts 1817-18 (general), ch. 28, sec. 10. Rev. Laws 1831, ch. 77, sec. 4. Rev. Stat. 1838, ch. 85, sec. 4. Rev. Stat. 1843, ch. 8, secs. 6-8; ch. 28, sec. 46. Acts 1895; Burns 49-3203; Baldwin 5472. 1 Rev. Stat. 1852, Acts 1925; Burns 49-3205; Baldwin 5470. 1 Rev. Stat. 1852; Burns 49-3211; Baldwin 14665. *Hand v. Board of County Comrs.* (1866), 26 Ind. 179; *Holman v. Doran* (1877), 56 Ind. 358; *Gilchrist v. Gough* (1878), 63 Ind. 576; *Moore v. Glover* (1888), 115 Ind. 367, 16 N. E. 163.

⁶³ Acts 1891, ch. 194, secs. 124, 125. Acts 1895; Burns 49-1308; Baldwin 7566. Acts 1895; Burns 49-1401; Baldwin 7576.

required to index the deeds, mortgages, and other instruments recorded by him.⁶⁴

Printed blank forms (furnished by the county) of deeds, mortgages, and other instruments may be used by the recorder for recording such instruments (executed on like printed forms) for any person who presented 500 or more instruments to the recorder for recording during the last preceding year.⁶⁵

The photographic process of recording instruments may be used by the recorder if adopted by the board of commissioners. Such method has never been used generally by the recorder of Posey County.⁶⁶

Formerly the county treasurer, auditor, and recorder selected petit jurors for the circuit court and court of common pleas.⁶⁷

Forms for the following books were prescribed for recorders by the state board of accounts: A combined fee book and cashbook; register of farm names; chattel mortgage minute book; and abstract of old-age assistance awards. Said board has prescribed forms of blanks for report of fees collected, application for registration of farm names, certificate of registration of farm names, and chattel mortgage receipt.⁶⁸

⁶⁴ Acts 1825, ch. 44, sec. 1. Rev. Laws 1831, ch. 77, sec. 5. Rev. Stat. 1838, ch. 85, sec. 5. Rev. Stat. 1843, ch. 8, sec. 10. *Garrett v. Board of County Comrs.* (1883), 92 Ind. 518.

Deeds. 1 Rev. Stat. 1852; Burns 49-3209; Baldwin 5471. 1 Rev. Stat. 1852, Acts 1855; Burns 49-3216, 49-3218; Baldwin 5480, 5482. *Turpen v. Board of County Comrs.* (1855), 7 Ind. 172; *State ex rel. Board of County Comrs. v. Atkinson* (1861), 17 Ind. 26.

Mortgages. 1 Rev. Stat. 1852; Burns 49-3209, 49-3217, 49-3218; Baldwin 5471, 5481, 5482. *Gilchrist v. Gough* (1878), 63 Ind. 576; *Reeder v. State ex rel. Harlan* (1884), 98 Ind. 114.

Index to chattel mortgage minute book. Acts 1935; Burns, 1939 suppl., 51-510; Baldwin, 1935 suppl., 13227-10.

Federal tax liens. Acts 1925; Burns 49-3222; Baldwin 10571.

Conditional sales of fixtures. Acts 1935; Burns 1939 suppl., 58-806, 58-809; Baldwin, 1935 suppl., 14857-5, 14857-8.

Quiet title record. Acts 1911; Burns 3-1409; Baldwin 968.

Soldiers' and sailors' discharge papers. Acts 1925; Burns 59-1003; Baldwin 11003.

Contracts waiving liens of laborers, materialmen, and building contractors. Acts 1921, ch. 56, sec. 1.

⁶⁵ Acts 1875 (Spec. Sess.), 1919; Burns 49-3206; Baldwin 5487.

⁶⁶ Acts 1927; Burns 49-3207; Baldwin 14667.

⁶⁷ 2 Rev. Stat. 1852, pt. 1, ch. 9, sec. 1, p. 24. Acts 1853, ch. 59, sec. 1.

These duties were discontinued in 1881. Acts 1881 (Spec. Sess.), 1899, 1913; Burns 4-3301, 4-3304, 4-3306; Baldwin 1266, 1267, 1270.

⁶⁸ Acts 1909; Burns 60-202; Baldwin 13855. Interview of May 18, 1939 with E. P. Brennan, state examiner.

FILING OF INSTRUMENTS FOR RECORDING

59. ENTRY BOOK, 1851-. 12 vols. (2, one vol. not labelled, 4-13).

Record of instruments filed for recording, showing date and time of filing, number and kind of instrument, names of grantor and grantee, and volume and page reference to recording. Also contains: Fee and Cash Book, 1851-94, entry 93. Arr. chron. by dates of recording. No index. Hdw. 300 pp. 18 x 12 x 3. 1 vol., 1851-67, SE. stor. rm., 3d fl.; 11 vols., 1868-, recr. off.

LAND TRANSFERS

DEEDS AND TITLES

60. GENERAL INDEX TO DEEDS, GRANTOR, 1816-. 12 vols. (1-12).

General index to Deed Record, entry 62; Cemetery Deed Record, Jan. 29, 1932-, entry 64; Tax Title Record, 1878-, entry 65; Quiet Title Record, April 24, 1915-, entry 66; Sheriff's Deed Record, Sept. 10, 1870-, entry 67; Auditor's Deed Record, Feb. 25, 1875-, entry 68; Partition Records, March 24, 1872-, entry 69, showing dates of instrument and recording, kind of instrument, names of grantor and grantee, location and description of real estate, and volume and page reference to recording. Arr. alph. by names of grantors. Hdw. 450 pp. 18 x 12 x 3. Recr. off.

61. GENERAL INDEX TO DEEDS, GRANTEE, 1816-. 12 vols. (1-12).

General index to Deed Record, entry 62; Cemetery Deed Record, Jan. 29, 1932-, entry 64; Tax Title Record, 1878-, entry 65; Quiet Title Record, April 24, 1915-, entry 66; Sheriff's Deed Record, Sept. 10, 1870-, entry 67; Auditor's Deed Record, Feb. 25, 1875-, entry 68; Partition Records, March 24, 1872-, entry 69, showing same information as in entry 60. Arr. alph. by names of grantees. Hdw. 450 pp. 18 x 12 x 3. Recr. off.

62. DEED RECORD, 1814-. 78 vols. (A-Z, 1-52).

Transcripts of deeds for conveyance of titles to real estate, showing dates of deed and recording, names of grantor and grantee, amount of consideration, and location and description of real estate. Also contains: Cemetery Deed Record, 1814-Jan. 28, 1932, entry 64; Tax Title Record, 1842-77, entry 65; Sheriff's Deed Record, 1814-Sept. 9, 1870, entry 67; Auditor's Deed Record, 1843-Feb. 15, 1875, entry 68; Partition Records,

1859-Mar. 21, 1872, entry 69; Wills, 1814-59, entry 70; Mortgage Record, 1817-July 14, 1839, entry 75; School Fund Mortgage Record, 1817-July 14, 1839, entry 77; Chattel Mortgage Record, 1817-July 14, 1839, entry 80; Miscellaneous Record, 1814-64, entry 86; Power of Attorney Records, 1828-Mar. 14, 1865, entry 88; Record of Leases, 1827-63, entry 89; Record of Indentures, 1830-52, entry 91. Arr. chron. by dates of recording. Indexed alph. by names of grantors and grantees; for separate indexes, 1816-, see entries 60, 61. 1814-June 15, 1904, hdw.; June 29, 1904-, typed. 500 pp. 18 x 12 x 2½. Recr. off.

63. DEEDS, 1847-. 31 f. b. (five f. b. not labelled, A-Z). Original deeds for conveyance of titles to real estate left for recording and not called for, showing dates of deed and recording, names of grantor and grantee, amount of consideration, terms of deed, location and description of property, and volume and page reference to Deed Record, entry 62. Arr. chron. by dates of recording. No index. Hdw. and typed. 10 x 5 x 14. Recr. off.

64. CEMETERY DEED RECORD, Jan. 29, 1932-. 1 vol. 1814-Jan. 28, 1932 in Deed Record, entry 62.

Transcript of conveyances of titles to cemetery lots, showing dates of deed and recording, names of grantor and grantee, number, location and description of lot, and amount of consideration. Arr. chron. by dates of recording. Indexed alph. by names of grantors and grantees; for separate indexes, see entries 60, 61. Typed. 600 pp. 18 x 12 x 3½. Recr. off.

65. TAX TITLE RECORD, 1878-. 2 vols. (1, 2). 1842-77 in Deed Record, entry 62.

Transcripts of deeds issued by auditor to purchasers of land sold for delinquent taxes, showing dates of sale, deed and recording, name of purchaser, location and description of property, and amount of consideration. Arr. chron. by dates of recording. Indexed alph. by names of purchasers; for separate indexes, see entries 60, 61. 1878-May 1904, hdw.; June 1904-, typed. 500 pp. 18 x 12 x 2½. Recr. off.

66. QUIET TITLE RECORD, April 24, 1915-. 1 vol.

Transcripts of court proceedings in actions to obtain quiet title to real estate, showing dates of action and recording, cause number, names of plaintiff, defendant, attorneys and witnesses, location and description of real estate, and proceedings and decrees of court. Arr. chron. by dates of recording. Indexed alph. by names of plaintiffs; for separate indexes, see entries 60, 61. Hdw. 585 pp. 18 x 12 x 2½. Recr. off.

67. SHERIFF'S DEED RECORD, Sept. 10, 1870-. 5 vols.

(1-5). 1814-Sept. 9, 1870 in Deed Record, entry 62.

Record of sheriff's deeds to lands sold by order of court to satisfy judgments, showing dates of deed, recording and sale, cause number, names of plaintiff, defendant and purchaser, location and description of land, and amount of consideration. Arr. chron. by dates of recording. Indexed alph. by names of purchasers; for separate indexes, see entries 60, 61. 1870-1905, hdw.; 1906-, typed. 230 pp. 16 x 12 x 2½. Recr. off.

68. AUDITOR'S DEED RECORD, Feb. 25, 1875-. 2 vols. (1-2).

1843-Feb. 15, 1875 in Deed Record, 62.

Record of deeds issued to purchasers of property sold for delinquent school fund loans, showing dates of sale and recording, name of purchaser, location and description of property, and amount of consideration. Arr. chron. by dates of recording. Indexed alph. by names of purchasers; for separate indexes, see entries 60, 61. 1875-Feb. 7, 1906, hdw.; Feb. 13, 1906-, typed. 500 pp. 18 x 14 x 4. Recr. off.

For other school fund records, see entries 77, 182, 183, 205-207, 248-256.

69. PARTITION RECORDS, Mar. 24, 1872-. 4 vols. (1-4).

Last entry July 18, 1933. 1859-Mar. 21, 1872 in Deed Record, entry 62.

Record of court decrees in actions for partition of real estate, showing names of estate, heirs, plaintiff, defendant, attorneys and commissioners, location, description and valuation of real estate, decision and order of court, and dates of decrees and recording. Arr. chron. by dates of recording. Indexed alph. by names of plaintiffs and defendants; for separate indexes, see entries 60, 61. 1872-July 15, 1933, hdw.; July 16, 1933-, typed. 658 pp. 18 x 12 x 3. Recr. off.

For petitions for partition, see entry 144.

70. WILLS, 1860-. 3 vols. (A-C). 1814-59 in Deed Record, entry 62.

Record of wills filed for probate, showing dates of will and recording, names of testator, beneficiaries, executor or administrator and witnesses, valuation and description of property, court orders for distribution, and nature and amounts of costs and fees. Arr. chron. by dates of recording. Indexed alph. by names of testators. 1860-1909, hdw.; 1910-, typed. 500 pp. 18 x 12 x 2½. Recr. off.

For other will records, see entries 145, 146.

PLATS

71. PLAT BOOK, 1824-. 13 vols.

Plats of cities, towns, additions and subdivisions, showing dates of plat and recording, names of city or town, and addition or subdivision, and location and description of property. Also contains: Cemetery Plat Book, 1824-1927, entry 72. Arr. chron. by dates of recording. No index. Hdw. 100 pp. 24 x 20 x 2. Recr. off.

72. CEMETERY PLAT BOOK, 1928-. 1 vol. 1824-1927 in Plat Book, entry 71.

Plats of cemetery lots, showing dates of plat and recording, name of owner and cemetery, and location and description of lot. Arr. chron. by dates of recording. No index. Hdw. 200 pp. 24 x 30 x 1½. Recr. off.

MORTGAGE TRANSACTIONS

REAL ESTATE

73. GENERAL INDEX TO MORTGAGES, MORTGAGOR, 1839-. 15 vols. (1-15).

General index to Mortgage Record, entry 75; School Fund Mortgage Record, Sept. 25, 1857-, entry 77; Chattel Mortgage Minute Book, June 15, 1935-, entry 78; and Chattel Mortgage Record, 1878-June 14, 1935, entry 80, showing dates of mortgage, recording and satisfaction, names of mortgagor and mortgagee, location and description of property, amount and terms of mortgage, and volume and page reference to recording. Arr. alph. by names of mortgagors. Hdw. 575 pp. 18 x 13 x 3. Recr. off.

74. GENERAL INDEX TO MORTGAGES, MORTGAGEE, 1839-. 15 vols. (1-15).

General index to Mortgage Record, entry 75; School Fund Mortgage Record, Sept. 25, 1857-, entry 77; Chattel Mortgage Minute Book, June 15, 1935-, entry 78; and Chattel Mortgage Record, 1878-June 14, 1935, entry 80, showing same information as in entry 73. Arr. alph. by names of mortgagees. Hdw. 575 pp. 18 x 13 x 3. Recr. off.

75. MORTGAGE RECORD, July 15, 1839-. 55 vols. (A-Z, A2-Z2, A3-C3). 1817-July 14, 1839 in Deed Record, entry 62.

Transcripts of mortgages executed to secure real estate loans, showing date, number, amount and conditions of mortgage, names of mortgagor and mortgagee, location and description of real estate, and marginal memoranda of satisfaction. Also con-

tains: School Fund Mortgage Record, July 15, 1839-Sept. 24, 1857, entry 77; Chattel Mortgage Record, July 15, 1839-77, entry 80. Arr. chron. by dates of mortgages. Indexed alph. by names of mortgagors and mortgagees; for separate indexes, see entries 73, 74. 1839-June 15, 1904, hdw.; June 17, 1904-, typed. 650 pp. 18 x 12 x 3. Recr. off.

76. MORTGAGES, 1847-. 5 f. b. (A-E).

Original real estate mortgages filed for recording and uncalled for, showing date, number, amount and conditions of mortgage, names of mortgagor and mortgagee, location and description of property, and volume and page reference to Mortgage Record, entry 75. Arr. chron. by dates of mortgages. No index. Hdw. and typed. 10 x 5 x 14. Recr. off.

77. SCHOOL FUND MORTGAGE RECORD, Sept. 25, 1857-. 10 vols. (1-10). 1817-July 14, 1839 in Deed Record, entry 62; July 15, 1839-Sept. 24, 1857 in Mortgage Record, entry 75.

Record of mortgages on real estate executed to secure school fund loans, showing dates of mortgage, recording and maturity, names of mortgagor and mortgagee, number, amount and conditions of mortgage, and location and description of real estate. Arr. chron. by dates of recording. Indexed alph. by names of mortgagors; for separate indexes, see entries 73, 74. Hdw. 600 pp. 18 x 12 x 3. Recr. off.

For other school fund records see entries 68, 182, 183, 205-207, 248-256.

CHATTEL

78. CHATTEL MORTGAGE MINUTE BOOK, June 15, 1935-. 2 vols. (1, 2).

Abstracts of chattel mortgages executed to secure loans on personal property, showing date and time of filing, number and amount of mortgage, names of mortgagor and mortgagee, date due, description of property, and file box reference to [Chattel Mortgages], entry 79. Arr. num. by mortgage nos. Indexed alph. by names of mortgagors and mortgagees; for separate indexes, see entries 73, 74. Hdw. 500 pp. 14 x 20 x 3. Recr. off.

For prior records, see entry 80.

79. [CHATTEL MORTGAGES], 1935-. 5 f. b. (1-5).

Original chattel mortgages executed to secure loans on personal property filed until released, showing date, number, amount and conditions of mortgage, names of mortgagor and mortgagee, description of property, and volume and page refer-

ence to Chattel Mortgage Minute Book, entry 78. Arr. num. by mortgage nos. No index. Hdw. and typed. 5 x 4 x 10. Recr. off.

80. CHATTEL MORTGAGE RECORD, 1878-June 14, 1935. 54 vols. (1-54). 1817-July 14, 1839 in Deed Record, entry 62; July 15, 1839-77 in Mortgage Record, entry 75.

Transcripts of mortgages executed to secure loans on personal property, showing dates of mortgage, recording and release, names of mortgagor and mortgagee, amount and conditions of mortgage, description of property, and marginal memoranda of release. Arr. chron. by dates of recording. Indexed alph. by names of mortgagors and mortgagees; for separate indexes, see entries 73, 74. 1878-1904, hdw.; 1905-, typed. 575 pp. 18 x 12 x 3. Recr. off.

For subsequent records, see entry 78.

81. CHATTEL MORTGAGES, 1848-1935. 7 f. b. (F-L). Original chattel mortgages executed to secure loans on personal property filed for recording and not called for, showing date, number, amount and conditions of mortgage, names of mortgagor and mortgagee, description of property, and volume and page reference to Mortgage Record, 1848-77, entry 75; and Chattel Mortgage Record, 1878-1935, entry 80. Arr. chron. by dates of recording. No index. Hdw. and typed. 10 x 5 x 14. Recr. off.

LIENS

82. MECHANIC'S LIEN RECORD, 1874-92. 1 vol. 1838-64 in Deed Record, entry 62; 1865-73, 1893- in Miscellaneous Record, entry 86.

Transcripts of notices of liens against property to insure payment of labor and material, showing dates of lien and recording, names of lienor and lienee, location and description of property, and amount and terms of lien. Arr. chron. by dates of recording. Indexed alph. by names of lienors and lienees. Hdw. 550 pp. 18 x 12 x 3. Recr. off.

83. MECHANICS' LIENS, 1854-. 6 f. b. (M-R).

Notices of mechanics' liens left for recording and not called for, showing same information as in entry 82. Arr. chron. by dates of recording. No index. Hdw. 10 x 5 x 14. Recr. off.

84. RECORDER'S ABSTRACT OF OLD-AGE AWARD CERTIFICATES, 1936-. 1 vol.

Abstracts of old-age award certificates recorded as liens

against property of old-age assistance recipients, showing time of filing, date of certificate, name of recipient, amount of award, and application, certificate and instrument numbers. Arr. num. by certificate nos. Indexed alph. by names of recipients. Hdw. 528 pp. 18 x 12 x 2½. Recr. off.

For other old-age pension records, see entries 85, 298-302.

85. OLD-AGE AWARD CERTIFICATES FILED, 1936-. 1 f. b. Copies of old-age assistance award certificates, showing dates of certificate and recording, name and address of recipient, application, code and serial numbers, and amount of award. Arr. num. by application nos. No index. Hdw. 12 x 6 x 18. Recr. off.

For other old-age pension records, see entries 84, 298-302.

MISCELLANEOUS INSTRUMENTS

86. MISCELLANEOUS RECORD, 1865-. 5 vols. (1-5). 1814-64 in Deed Record, entry 62.

Transcripts of miscellaneous documents, including:

- i. Articles of incorporation, amendments to articles of incorporation and dissolutions of corporations, showing dates of incorporation, amendment, dissolution and recording, name of corporation, place of business, amount of capital stock, description of seal, and names of officers.
- ii. Certificates of election of officers of churches, lodges, and societies, showing dates of election and recording, names of church, lodge or society and officer elected, and title of officer.
- iii. Bills of sale, showing dates of sale and recording, description and itemized list of property, names of vendor and purchaser, and amount realized.
- iv. Contracts, showing dates of contract and recording, names of principals, location and description of property, and conditions of contract.
- v. Affidavits, showing dates of affidavit and recording, and name and statement of affiant.
- vi. Occasional recordings of options, easements, right-of-way grants, certificates of patents, landlord, threshermen and breeder liens, mortgages, mechanics' liens, judgment and bankruptcy releases, acknowledgments, internal tax receipts, sale agreements, certificates of foreign corporations, and notices of change of names, showing dates of

instrument and recording, nature and conditions of instrument, and names of parties.

Also contains: Mechanic's Lien Record, 1865-73, 1893-, entry 82. Arr. chron. by dates of recording. Indexed alph. by names of principals. 1865-June 15, 1904, hdw.; June 16, 1904-, typed. 600 pp. 18 x 12 x 3. Recr. off.

87. AFFIDAVITS, 1847-. 8 f. b.

Affidavits of proof of heirship to property in settlement of interstate estates, showing dates of filing and recording, names of affiant and estate, and location and description of property. Arr. chron. by dates of recording. No index. Hdw. 10 x 5 x 14. Recr. off.

88. POWER OF ATTORNEY RECORDS, Mar. 15, 1865-. 2 vols.

(1, 2). 1828-Mar 14, 1865 in Deed Record, entry 62.

Record of power of attorney authorizations appointing agent to act in behalf of principal, showing dates of instrument and recording, names of principal and agent, and limitations of instrument. Arr. chron. by dates of recording. Indexed alph. by names of agents. 1865-Feb. 19, 1904, hdw.; Feb. 20, 1904-, typed. 500 pp. 18 x 12 x 3. Recr. off.

89. RECORD OF LEASES, 1864-. 4 vols. (1-4). 1827-63 in

Deed Record, entry 62.

Record of mineral, gas, oil and real estate leases, showing dates of lease and recording, names of lessor and lessee, amount and conditions of lease, and location and description of property. Arr. chron. by dates of recording. Indexed alph. by names of lessors and lessees. 1864-May 30, 1906, hdw.; May 31, 1906-, typed. 160 pp. 18 x 12 x 2½. Recr. off.

90. SOLDIER'S DISCHARGE RECORD, 1916-. 2 vols. (one vol. not labelled, 1).

Record of certificates of soldiers' discharges, showing dates of discharge and recording, and name, age, race, address and military record of soldier. Arr. chron. by dates of recording. Indexed alph. by names of soldiers. Typed. 585 pp. 18 x 12 x 3. Recr. off.

For other military records, see entries 16, 17, 51.

91. RECORD OF INDENTURES, 1853-90. 1 vol. Discontinued. 1830-52 in Deed Record, entry 62.

Record of agreements to assume the obligations of children's care and education in return for services performed, showing dates of agreement and recording, name, age and race of child, and names and addresses of parents and master. Arr. chron. by dates of recording. Indexed alph. by names of parents and masters. Hdw. 250 pp. 18 x 12 x 2½. Recr. off.

92. RECORD OF STOCK MARKS, 1815-74. 2 vols.

Register of marks and brands used on livestock by owners, showing date of recording, name of owner, and kind and description of mark or brand. Arr. chron. by dates of recording. No index. Hdw. 389 pp. 12 x 8 x 1½. Recr. off.

FEE AND CASH RECORDS

93. FEE AND CASH BOOK, 1895-. 8 vols. (1-8). 1851-94 in Entry Book, entry 59.

Record of fees collected by recorder for recording instruments, showing date, amount and nature of collection, name of payer, and date and amount of payment to treasurer. Arr. chron. by dates of collections. No index. Hdw. 300 pp. 18 x 12 x 3. Recr. off.

NEWSPAPERS

94. MT. VERNON DEMOCRAT, 1868-. 10 vols.

Copies of daily newspapers filed for reference, showing date and name of publication, and proofs of publication of county business. Arr. chron. by dates of publication. No index. Printed. 239 pp. 26 x 18 x 2. Recr. off.

95. NEW HARMONY REGISTER, 1868-93. 12 vols.

Copies of weekly newspapers filed for reference, showing date and name of publication, and proofs of publication of county business. Arr. chron. by dates of publications. No index. Printed. 166 pp. 24 x 18 x 2. Recr. off.

96. NEW HARMONY ADVERTISER, 1858-60. 5 vols.

Copies of weekly newspapers filed for reference, showing date and name of publication, and proofs of publication of county business. Arr. chron. by dates of publications. No index. Printed. 86 pp. 26 x 18 x 1. Recr. off.

97. SOUTH WESTERN ADVOCATE, 1856-58. 3 vols.

Copies of weekly newspapers filed for reference, showing date and name of publication, and proofs of publication of county business. Arr. chron. by dates of publications. No index. Printed. 86 pp. 26 x 18 x 1. Recr. off.

V. CIRCUIT COURT

LEGAL STATUS

The circuit court, which exists under the mandatory

provisions of the Constitution of 1851, consists of one judge elected for a six-year term by the voters of the judicial circuit.¹ Posey County alone constitutes the eleventh judicial circuit.² The official name of the court is "Posey Circuit Court."³ This is the only court of record in Posey County.

The judge of the circuit court is commissioned by the Governor of Indiana⁴ and holds office until his successor is elected and qualified.⁵ For three years next before his candidacy for election the judge must have been duly admitted to practice law in Indiana and also must have practiced or taught law or acted as an officer of the state or a municipality therein during said time (the periods of practice, teaching, and holding office to be combined).⁶ During the term for which he was elected the judge cannot hold any office of trust or profit under the state, other than a judicial office;⁷ and while holding the office of judge of the circuit court the judge must reside within the circuit,⁸ must not hold any other lucrative office,⁹ and must not practice law.¹⁰ He must take an oath that he will support the state and federal constitutions and will faithfully discharge the duties of his office.¹¹

The judge of the circuit court receives a regular salary of \$4,200 per year payable out of the state treasury.¹² The compensation of the judge cannot be diminished during his continuance in office.¹³

If the judge is convicted of corruption or other high crime, he may, on information in the name of the state, be

¹ Const. 1851, art. 7, secs. 1, 8, 9. Acts 1881 (Spec. Sess.); Burns 4-301; Baldwin 1395. Acts 1925, 1929; Burns 4-3220; Baldwin 1258.

² Acts 1913, ch. 3, sec. 1. Acts 1919, ch. 164, sec. 1.

³ Acts 1881 (Spec. Sess.); Burns 4-202; Baldwin 1396.

⁴ Const. 1851, art. 15, sec. 6. 1 Rev. Stat. 1852; Burns 49-201; Baldwin 13095.

⁵ Const. 1851, art. 15, sec. 3.

⁶ Acts 1939; Burns, 1939 suppl., 4-3224; Baldwin, 1939 suppl., 1223-1.

⁷ Const. 1851, art. 7, sec. 16.

⁸ *Ibid.*, sec. 9.

⁹ Const. 1816, art. 11, sec. 13. Const. 1851, art. 2, sec. 9.

¹⁰ Acts 1905; Burns 10-3101; Baldwin 2635.

¹¹ Const. 1816, art. 11, sec. 1. Const. 1851, art. 15, sec. 4. Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054.

¹² Acts 1921; Burns 4-3209; Baldwin 1225. Acts 1927; Burns 4-3217; Baldwin 1229.

¹³ Const. 1851, art. 7, sec. 13.

removed from office by the supreme court.¹⁴ This is the only method by which the judge may be removed from office.¹⁵

Any vacancy in the office of judge of the circuit court is filled through appointment by the governor. At the next biennial general election (held on the first Tuesday after the first Monday in November in the even-numbered years), a judge is elected for the remainder of the term in which the vacancy occurred. The person appointed or elected to fill a vacancy must take oath as was required of his predecessor, and holds office until his successor is elected and qualified.¹⁶

Posey County was created by an act of September 7, 1814, effective November 1, 1814.¹⁷ At that time there was a court in Indiana Territory known as "The General Court of Indiana Territory", composed of three judges appointed by the President of the United States to serve during good behavior. Any two judges could hold sessions and control the action of the court. The court had original jurisdiction of all civil actions at law, all equity cases (to which the United States was a party), and all criminal prosecutions.¹⁸ The general court, being the highest court in the territory, had appellate jurisdiction, on appeal, certiorari, or writ of error, to review decisions of all other courts in the territory. It also could require that any cause within its original jurisdiction, pending in any other court, be transferred to the general court for disposition as if it had originated in the general court. This court continued in existence until the Supreme Court of Indiana was organized in 1817, at which time all pending business of the general court was transferred to the supreme court.¹⁹

¹⁴ *Ibid.*, sec. 12. Acts 1897; Burns 49-819; Baldwin 13152.

¹⁵ *State v. Dearth* (1923), 201 Ind. 1, 164 N. E. 489; *State ex rel. Youngblood v. Warrick Circuit Court* (1935), 208 Ind. 594, 196 N. E. 254. Interview of July 29, 1939 with Omer Stokes Jackson, Attorney General of Indiana.

¹⁶ Const. 1851, art. 5, sec. 18. Acts 1881 (Spec. Sess.); Burns 29-701; Baldwin 7081. 1 Rev. Stat. 1852; Burns 49-402, 49-404, 49-408, 49-409; Baldwin 13101, 13103, 13106, 13107. *State ex rel. Custer v. Schortemeier* (1926), 197 Ind. 507, 151 N. E. 407.

¹⁷ Acts 1814, ch. 7, sec. 1.

¹⁸ Ordinance of 1787; *U. S. Statutes at Large*, 1:51, 52 note. Acts of Congress 1789, ch. 3, secs. 1, 2; *U. S. Statutes at Large*, 1:50. Acts of Congress 1800, ch. 41, secs. 2, 3; *U. S. Statutes at Large*, 2:59. Acts of Congress 1805, ch. 38, sec. 1; *U. S. Statutes at Large*, 2:338. Acts of Congress 1815, ch. 54, sec. 1; *U. S. Statutes at Large*, 3:213. Acts 1807, ch. 13, sec. 1; ch. 22, sec. 1; ch. 25, sec. 5; ch. 32, secs. 1, 4. Acts 1811, ch. 41, secs. 1-3. Acts 1813, ch. 28, secs. 1-8; ch. 31, sec. 5. Acts 1814, ch. 17, sec. 7.

¹⁹ Const. 1816, art. 12, secs. 3, 4, 7, 11. Acts 1807, ch. 2, sec. 10; ch. 3, secs. 1-3; ch. 16,

In November 1814 there was established in Posey County a circuit court composed of two "associate judges", to serve in Posey County only, and one "circuit judge", to serve in each county of the judicial circuit. Indiana Territory was divided into three judicial circuits; the first circuit was composed of the counties of Gibson, Knox, Perry, Posey, and Warrick. The counties of Jackson and Orange were added to this circuit on January 1 and February 1, 1816, respectively. The judges were appointed by the governor, and served during good behavior. The circuit judge was required to be learned in the law, a citizen of the United States, and a resident of the territory; and he must have practiced law in the courts of the United States or Indiana Territory regularly for three years before his appointment. The associate judges were required to be "fit persons resident in the county."²⁰

The circuit court, mentioned in the last preceding paragraph, had original jurisdiction of all criminal cases, all civil actions at law,²¹ all equity cases (except, perhaps, suits for divorce),²² and naturalization proceedings.²³ The circuit judge presided when he and one or both associate judges were present. Except as otherwise stated hereinafter, the circuit judge alone or any two judges could act for the court; the circuit judge could control the action of the court when he and one associate judge were present; and any two judges could control the action of the court when all three judges were present. The presence of the circuit judge and one associate judge was required "to try any criminal offense the punishment whereof shall extend to life, limb, or imprisonment for two years", unless the defendant filed a petition waiving this provision.²⁴ The two associate judges transacted county business until the board of commissioners was established on February 3, 1817.²⁵ An act of September 10, 1814

secs. 11, 21; ch. 27, sec. 4; ch. 44, sec. 9; ch. 46, sec. 39. Acts 1808, ch. 13, sec. 1. Acts 1813, ch. 31, sec. 8. Acts 1813-14, ch. 17, sec. 4; ch. 29, sec. 11. Acts 1814, ch. 20, secs. 1, 12. Acts 1816-17, ch. 1, sec. 25.

²⁰ Acts 1814, ch. 2, secs. 1, 2, 4; ch. 7, secs. 1, 2, 7; ch. 20, sec. 10. Acts 1815, ch. 1, secs. 1, 2; ch. 6, secs. 1, 2; ch. 12, sec. 1.

²¹ Acts 1814, ch. 2, sec. 3; ch. 20, secs. 1, 5, 16. Acts 1815, ch. 19, sec. 1.

²² Acts 1807, ch. 25, sec. 5. Acts 1813, ch. 28, secs. 1-8. Acts 1813-14, ch. 29, secs. 1-5. Acts 1814, ch. 3, secs. 1, 2; ch. 17, sec. 6; ch. 20, secs. 3, 5; ch. 21, secs. 2, 24, 25, 30.

²³ Acts of Congress 1802, ch. 28, secs. 1, 3; *U. S. Statutes at Large*, 2:153, 155.

²⁴ Acts 1814, ch. 2, sec. 2. *Fuller v. State* (1820), 1 Blackford 63.

²⁵ Acts 1807, ch. 11, sec. 18; ch. 17, secs. 1, 2, 4, 10; ch. 20, secs. 5, 6, 9; ch. 23, secs. 1.

gave the associate judges jurisdiction of the probate of wills and administration of estates of decedents and minors, and provided that one associate judge could exercise such jurisdiction "in and out of court" and that the clerk could assist the judges;²⁶ and an act of December 18, 1815 authorized any judge of the circuit court (including the president) to exercise this jurisdiction.²⁷ An act of December 26, 1815 authorized the court to appoint guardians for insane persons.²⁸ The circuit judge had authority to license attorneys²⁹ and the court could appoint prosecuting attorneys.³⁰ The court had appellate jurisdiction to review decisions of justices of the peace.³¹ This court continued in existence until the establishment of a new circuit court in 1817 (discussed in the next paragraph), at which time the business of the old circuit court was transferred to the new circuit court.³²

The Constitution of 1816 created in each county a circuit court composed of a president judge, elected for the circuit by joint ballot of both houses of the general assembly, and two associate judges, elected in the county by the voters thereof.³³ These judges were commissioned by the governor, and held office for the term of seven years.³⁴ Recess

2, 4-6, 9, 10, 20-22, 26, 28, 30; ch. 30, secs. 2, 3; ch. 33 (misnumbered 31), secs. 1, 2, 6; ch. 36, secs. 5-11; ch. 39, secs. 1, 4; ch. 40, sec. 12; ch. 44, secs. 1-24; ch. 47, secs. 1, 3; ch. 48, secs. 7, 12; ch. 51, secs. 1, 8-17, 19, 20, 22; ch. 52, sec. 1; ch. 58, secs. 1, 2; ch. 64, sec. 11; ch. 65, secs. 1-3; ch. 71, secs. 1, 2; ch. 80, sec. 2; ch. 84, sec. 1; ch. 92, secs. 1, 9, 16, 19, 31. Acts 1808, ch. 14, secs. 1, 2; ch. 24, secs. 1-5. Acts 1810, ch. 24, sec. 4; ch. 28, secs. 1, 2. Acts 1811, ch. 11, sec. 1; ch. 16, secs. 2-4, 16, 18; ch. 29, secs. 1, 2; ch. 35, secs. 1, 6-9, 12, 15, 17; ch. 37, secs. 4, 5, 8-10. Acts 1813, ch. 2, secs. 1, 3; ch. 3, sec. 2; ch. 4, sec. 2; ch. 8, secs. 1, 2, 6, 9, 11, 12, 14, 16, 20, 23; ch. 9, sec. 1; ch. 10, secs. 1, 2, 4, 5; ch. 19, secs. 1, 2; ch. 21, sec. 2; ch. 25, sec. 1. Acts 1813-14, ch. 12, secs. 1, 2; ch. 32, secs. 1, 3, 5; ch. 33, secs. 3, 4; ch. 20, sec. 9. Acts 1815, ch. 5, secs. 1, 3, 16; ch. 17, secs. 1, 2. Acts 1816-17, ch. 14, sec. 1; ch. 15. Acts 1817-18 (general), ch. 41.

²⁶ Acts 1814, ch. 20, sec. 15 (repealed by Acts 1815, ch. 6, sec. 5).

²⁷ Acts 1815, ch. 6, sec. 4.

²⁸ *Ibid.*, ch. 18, secs. 1-5.

²⁹ Acts 1814, ch. 2, sec. 12; ch. 3, sec. 4.

³⁰ Acts 1813-14, ch. 12, sec. 1. Acts 1814, ch. 3, sec. 4.

³¹ Acts 1813-14, ch. 29, sec. 9. Acts 1814, ch. 2, sec. 3; ch. 3, sec. 3; ch. 20, secs. 2, 4. Acts 1815, ch. 11, sec. 22.

³² Const. 1816, art. 12, secs. 1-4, 7, 11. Acts 1816-17, ch. 2, secs. 11, 12; ch. 3, sec. 2.

³³ Const. 1816, art. 5, secs. 3, 7. Acts 1816-17, ch. 2, sec. 2; ch. 3, sec. 4; ch. 14, secs. 1, 8. Acts 1817-18 (general), ch. 2, sec. 2. Rev. Laws 1824, ch. 24, sec. 2. Rev. Laws 1831, ch. 22, sec. 2. Rev. Stat. 1838, ch. 23, sec. 2. Rev. Stat. 1843, ch. 38, secs. 1-4.

³⁴ Const. 1816, art. 5, sec. 4; art. 11, sec. 9.

appointments of president judges were made by the governor when the general assembly was not in session.⁸⁵ The president judge alone or any two judges could hold a court; but the presence of the president was required in capital-punishment cases and cases in chancery. The president judge presided when he and one or both associate judges were present. The president judge could control the action of the court when he and one associate judge were present; and any two judges could control the action of the court when all three judges were present.⁸⁶ Since the adoption of the Constitution of 1851, the circuit court has consisted of one judge elected by the voters of the judicial circuit for a six-year term.⁸⁷

The circuit court created by the Constitution of 1816 had original jurisdiction of naturalization proceedings under the federal laws, all criminal cases under the state laws (except those punishable only by fine not exceeding \$3, of which the justices of the peace had exclusive original jurisdiction), all civil actions at law, all equity cases (including suits for divorce), insanity inquests and commitments, guardianships, probate of wills, and administration of estates of decedents. The associate judges were sometimes called "The Probate Court" when exercising their jurisdiction concerning decedents' estates.⁸⁸ Some of the original jurisdiction of the circuit court was transferred in 1829 to the probate court, which is discussed hereinafter. The circuit court had appellate jurisdiction to review decisions of the board doing county business,⁸⁹ justices of the peace,⁴⁰ the probate

⁸⁵ *Ibid.*, art. 4, sec. 9.

⁸⁶ *Ibid.*, art. 5, sec. 3. Fuller v. State (1820), 1 Blackford 63; Cook v. State (1844), 7 Blackford 165; Miller v. Burger (1850), 2 Ind. 337.

Adjournment for lack of quorum. Acts 1816-17, ch. 2, sec. 10.

⁸⁷ Const. 1851, art. 7, sec. 8. Acts 1881 (Spec. Sess.); Burns 4-301; Baldwin 1395.

⁸⁸ Acts of Congress 1802, ch. 28, secs. 1, 3; *U. S. Statutes at Large*, 2:153, 155. Acts of Congress 1824, ch. 186, sec. 4; *U. S. Statutes at Large*, 4:69. Const. 1816, art. 5, sec. 3. Acts 1816-17, ch. 2, secs. 5-8; ch. 3, secs. 2, 3; ch. 4, sec. 19. Acts 1817-18 (general), ch. 2, secs. 5-7; chs. 3, 13. Acts 1821-22, ch. 73, sec. 4. Rev. Laws 1824, ch. 24, secs. 4-6. Acts 1825, ch. 35, secs. 1-3. Rev. Laws 1831, ch. 22, sec. 3. Rev. Stat. 1838, ch. 23, secs. 3-7, 12; ch. 31, sec. 1. Rev. Stat. 1843, ch. 35, secs. 22-72; ch. 38, secs. 6-32. Prentiss v. Porter (1822), 1 Blackford 525; Mills v. Bradley (1827), 1 Blackford 541; State v. Albertson (1829), 2 Blackford 251; Bequette v. Lasselle (1840), 5 Blackford 443; Sherry v. Winton (1848), 1 Ind. 96.

⁸⁹ Rev. Stat. 1838, ch. 21, secs. 28, 29; ch. 41, sec. 12. Rev. Stat. 1843, ch. 7, secs. 37-43; ch. 11, sec. 11; ch. 16, sec. 56; ch. 17, sec. 18. Reddington v. Hamilton (1846), 8 Blackford 62; Taylor v. Lucas (1846), 8 Blackford 289; Malone v. Hardesty (1848), 1 Ind. 79.

⁴⁰ Acts 1816-17, ch. 5, sec. 18. Rev. Stat. 1838, ch. 4, sec. 5; ch. 6, secs. 5, 11; ch. 19,

court,⁴¹ and the court of common pleas.⁴² Decisions of the circuit court were reviewable by the Supreme Court of Indiana.⁴³

With the organization of the circuit courts created by the Constitution of 1816, the state was divided into three judicial circuits; and the first circuit was composed of the counties of Daviess, Gibson, Knox, Perry, Pike, Posey, and Warrick.⁴⁴ Since then the entire state has been divided into judicial circuits on nine occasions (the last complete revision occurring on March 6, 1873, when 38 circuits were created);⁴⁵ many additional circuits have been created separately; newly created counties have been added to existing circuits; and counties have been transferred from one circuit to another on numerous occasions.⁴⁶ On January 28, 1818 Posey County was transferred to the fourth circuit, composed of the counties of Gibson, Perry, Pike, Posey, Spencer, Vanderburgh, and Warrick, to which circuit the counties of Dubois and Crawford were added in 1820 and 1821, respectively.⁴⁷ On June 17, 1852 Posey County was transferred to the third circuit, composed of the counties of Daviess, Dubois, Gibson, Knox, Martin, Perry, Pike, Posey, Spencer, Vanderburgh, and Warrick.⁴⁸ On February 22, 1859 Posey County was transferred to the fifteenth circuit, composed of the counties of Crawford,

sec. 16; ch. 43, sec. 6; ch. 58, secs. 11, 80, 90; ch. 79, sec. 21. Rev. Stat. 1843, ch. 19, secs. 23, 46; ch. 23, sec. 10; ch. 35, sec. 162; ch. 41, secs. 11, 42, 43; ch. 42, sec. 63; ch. 43, secs. 9-13; ch. 45, secs. 173-176, 193, 216; ch. 47, secs. 159-182; ch. 55, sec. 21.

⁴¹ Acts 1828-29, ch. 26, sec. 4. Rev. Laws 1831, ch. 24, sec. 7; ch. 25, sec. 52. Rev. Stat. 1838, ch. 24, sec. 12; ch. 25, secs. 13, 16. Rev. Stat. 1843, ch. 37, secs. 1, 9, 70; ch. 39, secs. 33-36.

⁴² 2 Rev. Stat. 1852, pt. 1, ch. 8, secs. 13, 20; pt. 2, ch. 1, sec. 550.

⁴³ Acts 1816-17, ch. 1, secs. 7, 13. Acts 1817-18 (general), ch. 1, secs. 7, 13. Rev. Laws 1824, ch. 25, sec. 7. Rev. Laws 1831, ch. 24, sec. 7. Rev. Stat. 1838, ch. 25, secs. 13, 16. Rev. Stat. 1843, ch. 37, secs. 1, 9, 70, 91.

⁴⁴ Acts 1816-17, ch. 2, sec. 1. Acts 1817-18 (general), ch. 2, sec. 1.

⁴⁵ Acts 1817-18 (general), ch. 73, sec. 1. Acts 1821-22, ch. 40. Rev. Laws 1824, ch. 26, sec. 1. Acts 1829-30, ch. 28 (first act). Rev. Laws 1831, ch. 23, sec. 1. Acts 1838-39 (general) ch. 2, sec. 1. Acts 1840-41 (general), ch. 25. Acts 1851-52, ch. 21. Acts 1873, ch. 29, secs. 1-39.

⁴⁶ There are now 79 judicial circuits. The eightieth circuit is composed of Ripley County alone, and there is no seven-seventh circuit. Acts 1935, ch. 137, sec. 1.

⁴⁷ Acts 1817-18 (general), ch. 73, sec. 1. Acts 1819-20, ch. 67, sec. 4. Acts 1820-21, ch. 6, sec. 1. Acts 1821-22, ch. 40, sec. 4. Rev. Laws 1824, ch. 26, sec. 1. Acts 1829-30, ch. 28 (first act). Rev. Laws 1831, ch. 23, sec. 1. Acts 1838-39 (general), ch. 2, sec. 1. Acts 1840-41 (general), ch. 25.

Perry, Posey, Spencer, Vanderburgh, and Warrick.⁴⁹ On December 21, 1872 Posey County was transferred to the third circuit, composed of the counties of Daviess, Gibson, Knox, Martin, Posey, and Vanderburgh.⁵⁰ On March 6, 1873 Posey County was transferred to the first circuit, composed of the counties of Posey and Vanderburgh.⁵¹ On March 8, 1895 Posey County was transferred to the eleventh circuit, composed of the counties of Gibson and Posey. Gibson County was omitted from the eleventh circuit on March 1, 1913, and since then the eleventh circuit has been composed of Posey County alone.⁵² An act of 1919, which has not been amended or repealed, provides for terms of court in Posey County beginning on the second Monday in January, March, May, September, and November each year, each term lasting "six weeks and as much longer as the business shall require."⁵³ Many laws were enacted by the general assembly before 1919 for the purpose of regulating the commencement and duration of terms of court in the Posey Circuit Court.⁵⁴

A probate court, consisting of one judge, was established in Posey County in 1829. The judge was elected for a seven-year term by the voters of the county. The court had exclusive original jurisdiction over guardianships, probate of wills, and settlement of decedents' estates; and had original jurisdiction (concurrent with the circuit court) over dower proceedings, partition proceedings, and actions concerning guardians, heirs, devisees, executors, and administrators.⁵⁵ Except as hereinafter stated, the court held four terms each

⁴⁹ Acts 1859, ch. 36, sec. 1.

⁵⁰ Acts 1872 (Spec. Sess.), ch. 14 (misnumbered 4).

⁵¹ Acts 1873, ch. 29, sec. 2.

⁵² Acts 1895, ch. 76, sec. 2. Acts 1913, ch. 3, sec. 1. Acts 1919, ch. 164, sec. 1.

⁵³ Acts 1919, ch. 164, sec. 1.

⁵⁴ Acts 1814, ch. 13, secs. 1-3. Acts 1816-17, ch. 2, sec. 9; ch. 3, sec. 3. Acts 1817-18 (general), ch. 2, sec. 1; ch. 73, sec. 5. Acts 1818-19, ch. 6, sec. 3. Acts 1819-20, ch. 67, sec. 4. Acts 1820-21, ch. 6, sec. 5. Rev. Laws 1824, ch. 26, sec. 5. Acts 1829-30, ch. 28 (second act), sec. 4. Rev. Laws 1831, ch. 23, sec. 5. Acts 1832-33, ch. 67, sec. 3. Rev. Stat. 1833, ch. 23 (fifth act). Acts 1833-39 (general), ch. 2, sec. 5. Acts 1840-41 (general), ch. 14, sec. 1. Acts 1841-42 (general), ch. 19, sec. 1. Acts 1846-47 (general), ch. 3, sec. 1. Acts 1851-52, ch. 22. Acts 1859, ch. 36, secs. 2, 3. Acts 1871, ch. 29. Acts 1873, ch. 29, sec. 40. Acts 1873, ch. 30. Acts 1881, ch. 22. Acts 1883, ch. 5, sec. 1. Acts 1895, ch. 76, sec. 2. Acts 1897, ch. 27, sec. 1. Acts 1907, ch. 122, secs. 1, 2. Acts 1913, ch. 3, sec. 1.

⁵⁵ Const. 1816, art. 5, sec. 4. Acts 1828-29, ch. 26, secs. 1, 2. Rev. Laws 1831, ch. 25, secs. 1, 4. Rev. Stat. 1838, ch. 24, sec. 1. Rev. Stat. 1843, ch. 4, secs. 2, 9; ch. 39, secs. 1-13.

year, commencing on the second Monday in February, May, August, and November, each term lasting six days. From January 23, 1834 until February 17, 1838 the February and August terms began on the fourth Monday of those months; and after January 19, 1846 each term could last nine days.⁵⁶ After June 15, 1852 the judge of the circuit court could act for the judge of the probate court when he failed to hold a regular term of court.⁵⁷ Decisions of the probate court were reviewable by the circuit court or the Supreme Court of Indiana.⁵⁸ The probate court was abolished on May 6, 1853, and its jurisdiction was transferred to the court of common pleas.⁵⁹

A court of common pleas, consisting of one judge, was established in Posey County in May 1853. The judge was elected for a four-year term by the voters of the common pleas district, composed of the counties of Gibson and Posey.⁶⁰ Originally the court of common pleas held four terms of court in the county each year, beginning on the first Monday in January, April, July, and October, each term lasting two weeks. The time of beginning the terms was changed several times by statutes. An act of March 3, 1855 authorized special terms in the county for the completion of any business scheduled for regular terms and remaining unfinished at adjournment of the term.⁶¹ An act of March 1, 1859 provided that the judicial district should be composed of the counties of Gibson, Posey, Vanderburgh, and Warrick.⁶² The court of common pleas had exclusive original jurisdiction over insanity inquests and commitments, guardianships, probate of wills, and

⁵⁶ Acts 1831-32, ch. 159, sec. 1. Acts 1833-34, ch. 31, sec. 3. Rev. Stat. 1838, ch. 24, sec. 68. Acts 1838-39 (general), ch. 90. Rev. Stat. 1843, ch. 39, sec. 40. Acts 1845-46 (general), ch. 43, sec. 1.

⁵⁷ Acts 1851-52, ch. 34, secs. 1, 3.

⁵⁸ Acts 1828-29, ch. 26, sec. 4. Rev. Laws 1831, ch. 24, sec. 7; ch. 25, sec. 52. Rev. Stat. 1838, ch. 24, sec. 12; ch. 25, secs. 13, 16. Rev. Stat. 1843, ch. 37, secs. 1, 9, 70; ch. 39, secs. 33-36.

⁵⁹ 1 Rev. Stat. 1852, ch. 92, sec. 1. 2 Rev. Stat. 1852, pt. 1, ch. 8, sec. 43. Jones v. Cavins (1853), 4 Ind. 305.

⁶⁰ 2 Rev. Stat. 1852, pt. 1, ch. 8, secs. 1, 3, p. 16. Jones v. Cavins (1853), 4 Ind. 305.

⁶¹ 2 Rev. Stat. 1852, pt. 1, ch. 8, secs. 29-31, p. 21. Acts 1853, ch. 33, secs. 1, 2. Acts 1855, ch. 27, secs. 64, 94. Acts 1859, ch. 46, sec. 1; ch. 47, sec. 1; ch. 51, sec. 3. Acts 1861, ch. 37, sec. 1. Acts 1867, ch. 32, sec. 1. Jones v. Cavins (1853), 4 Ind. 305.

⁶² Acts 1859, ch. 51, sec. 1.

This district, composed of said counties, was officially designated "the first district." Acts 1861, ch. 28, sec. 1.

settlement of estates of decedents, minors, and insane persons; and had original jurisdiction (concurrent with the circuit court) over naturalization proceedings, equity cases, criminal cases (except offenses punishable by death and offenses punishable only by fine not exceeding \$3, and except all felonies where the defendant did not voluntarily submit himself to the jurisdiction of the court), and civil actions at law (except slander, libel, breach of marriage contract, titles to real estate, action on bonds of state and county officers, and actions to recover less than \$50 or more than \$1,000—judgment could be rendered for more than \$1,000 when based on consent). Any case in which the judge was disqualified could be transferred to the circuit court.⁶³ Decisions of the court of common pleas were reviewable by the circuit court or the Supreme Court of Indiana.⁶⁴ The court of common pleas was abolished on March 6, 1873, and its jurisdiction was transferred to the circuit court.⁶⁵

The constitution provides for tribunals of conciliation with such powers and duties as may be prescribed by law, but without power to render an enforceable judgment in the absence of agreement of the parties to abide the judgment of such tribunal.⁶⁶ Accordingly, the general assembly, by an act of 1852 which became effective on May 6, 1853, established in the county a court of conciliation, to be held by the judge of the court of common pleas. It had jurisdiction of claims and controversies submitted to it for the purpose of effecting a compromise or for determination. In cases of libel, slander, assault and battery, false imprisonment, and malicious prosecution, the complaining party could have the opposite party served with a notice requiring him to appear before the court. Hearings were private and informal. Controversies submitted by both parties to the court for determination were determined according to right and conscience without regard to technical rules. The judge was required to keep a book containing a memorandum of proceedings and the judgment. The law did not

⁶³ Acts of Congress 1802, ch. 28, secs. 1, 3; *U. S. Statutes at Large*, 2:153, 155. Acts of Congress 1824, ch. 186, sec. 4; *U. S. Statutes at Large*, 4:69. 2 Rev. Stat. 1852, pt. 1, ch. 4, sec. 5; ch. 8, secs. 4, 5, 7, 9, 11, 12, 14, 17, 21, 23.

⁶⁴ 2 Rev. Stat. 1852, pt. 1, ch. 8, secs. 13, 20; pt. 2, ch. 1, sec. 550; ch. 10, secs. 189-193; ch. 11, secs. 43-46.

⁶⁵ Acts 1873, ch. 29, secs. 79-88.

⁶⁶ Const. 1851, art. 7, sec. 19.

authorize an appeal to another court.⁶⁷ This court was abolished in 1865.⁶⁸

FUNCTIONS AND RECORDS

The circuit court has original jurisdiction of naturalization proceedings under the federal laws, all criminal cases under the state laws (except those punishable only by fine not exceeding \$3, of which the justices of the peace have exclusive original jurisdiction), all civil actions at law, all suits in equity (including divorce suits), election contests, juvenile matters, insanity inquests and commitments, proceedings to commit persons to hospitals operated by Indiana University, guardianships, probate of wills, and administration of estates of decedents, minors, and insane persons. The circuit court is known as the "Juvenile Court" when exercising jurisdiction of juvenile matters.⁶⁹ The United States Department of Labor does not furnish the Posey Circuit Court with the necessary printed forms for naturalization proceedings, hence this court is prevented from exercising its naturalization jurisdiction.⁷⁰

The circuit court has appellate jurisdiction⁷¹ to review

⁶⁷ 2 Rev. Stat. 1852, pt. 2, ch. 2, secs. 1-3, 5-8, 12, 13, 18, 20. Jones v. Cavins (1853), 4 Ind. 305.

⁶⁸ Acts 1865 (Spec. Sess.), ch. 57.

⁶⁹ General provisions. Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397.

Naturalization proceedings. Acts of Congress 1802, ch. 28, secs. 1, 3; *U. S. Statutes at Large*, 2:153, 155. Acts of Congress 1824, ch. 186, sec. 4; *U. S. Statutes at Large*, 4:69. Acts of Congress 1906, 1911, 1913; U. S. C., title 8, sec. 357.

Criminal cases within exclusive jurisdiction of justices of the peace. Acts 1905; Burns 9-711, 9-715; Baldwin 2080, 2084.

Election contests. Acts 1933, 1935; Burns, 1939 suppl., 29-2301 to 29-2309; Baldwin, 1935 suppl., 7428 to 7435, 7427-1.

Juvenile matters. Acts 1903, 1913, 1931, 1935, 1937; Burns, 1939 suppl., 9-2801; Baldwin, 1937 suppl., 1759.

Insane persons. 2 Rev. Stat. 1852, Acts 1895; Burns 8-202 *et seq.*; Baldwin 3460 *et seq.* Acts 1855; Burns 22-1401 *et seq.*; Baldwin 1081 *et seq.*

Wills. 2 Rev. Stat. 1852; Burns 7-401, 7-414, 7-503, 7-506; Baldwin 3376, 3388, 3393, 3401. Acts 1911, 1911, 1933; Burns 7-504; Baldwin 3395.

Hospitals operated by Indiana University. Acts 1930; Burns, 1939 suppl., 28-5417; Baldwin, 1939 suppl., 14078-89c.

⁷⁰ Letter of December 11, 1939 from Guy Cleveland, Clerk of Posey Circuit Court.

⁷¹ Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397.

decisions of justices of the peace,⁷² municipal courts punishing violations of ordinances,⁷³ board of commissioners,⁷⁴ board of review fixing value of property for taxation,⁷⁵ taxing authorities determining that property is taxable,⁷⁶ board of public works or board of park commissioners of any city in the county (or city council performing such functions),⁷⁷ and other inferior tribunals when no express direction is given as to the court to which the appeal lies.⁷⁸

The circuit court has power to make all proper judgments, sentences, decrees, orders, and injunctions; to issue all process;⁷⁹ and to adopt rules for conducting its business.⁸⁰ Decisions of the circuit court are reviewable by the Supreme Court of Indiana or the Appellate Court of Indiana.⁸¹

The judge of the circuit court is a conservator of the peace throughout his judicial circuit,⁸² and is a member of the commission of public records.⁸³ He appoints one member of the county school fund board,⁸⁴ five members of the county board of public welfare,⁸⁵ two members of the county board of review,⁸⁶ and four members of the county board of tax adjustment.⁸⁷ He appoints special prosecuting attorneys (in case of disqualification or failure to attend court)⁸⁸ and

⁷² 2 Rev. Stat. 1852; Burns 5-1001; Baldwin 1931.

⁷³ Acts 1905; Burns 4-2415; Baldwin 2390. Acts 1917; Burns 4-2603; Baldwin 11608. Acts 1921; Burns 4-2702; Baldwin 12172. Acts 1923; Burns 4-2802; Baldwin 12336.

⁷⁴ Acts 1879 (Spec. Sess.), 1885; Burns 26-820; Baldwin 5275. 1 Rev. Stat. 1852; Burns 26-901; Baldwin 5277. Acts 1905; Burns 36-1501; Baldwin 8858. Acts 1933; Burns 27-117; Baldwin 5753. *State ex rel. Sink v. Circuit Court* (1938), 214 Ind. 323, 15 N. E. (2d) 624.

⁷⁵ Acts 1927; Burns 64-1020; Baldwin 15686.

⁷⁶ Acts 1919, 1927; Burns 64-2103; Baldwin 15804.

⁷⁷ Acts 1933; Burns 48-4501; Baldwin 11576.

⁷⁸ *Hamilton v. Fort Wayne* (1880), 73 Ind. 1.

⁷⁹ 2 Rev. Stat. 1852; Burns 4-307; Baldwin 1400.

⁸⁰ 2 Rev. Stat. 1852; Burns 4-313; Baldwin 1406.

⁸¹ 2 Rev. Stat. 1852, pt. 2, ch. 1, sec. 550. Acts 1901, 1907, 1915, 1925; Burns 4-214; Baldwin 1356.

⁸² Const. 1816, art. 5, sec. 5. Const. 1851, art. 7, sec. 15.

⁸³ Acts 1939; Burns, 1939 suppl., 49-3701; Baldwin, 1939 suppl., 5492-1.

⁸⁴ Acts 1865, 1935; Burns, 1939 suppl., 28-209; Baldwin, 1935 suppl., 6558.

⁸⁵ Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1118; Baldwin, 1937 suppl., 14078-19.

⁸⁶ Acts 1895, ch. 36, sec. 2. Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

⁸⁷ Acts 1932 (Spec. Sess.), ch. 10, sec. 4. Acts 1933, ch. 237, sec. 4. Acts 1937; Burns, 1939 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.

⁸⁸ Rev. Laws, 1824, ch. 24, sec. 12. Acts 1833-34, ch. 92, secs. 1-4. Rev. Stat. 1838, ch.

special county commissioners (in case of disqualification).⁸⁹ He approves the official bonds of the prosecuting attorney⁹⁰ and the county director of public welfare.⁹¹ He can solemnize marriages,⁹² administer oaths,⁹³ and take acknowledgments and proofs of deeds and other documents.⁹⁴

The sheriff, in person or by deputy, attends the circuit court, preserves order therein, makes announcements for the court, calls witnesses to the courtroom, and executes all process of the court.⁹⁵ Bailiffs (appointed by the judge as needed) wait on the grand juries and petit juries and preserve order during their proceedings and deliberations. If no bailiff is appointed, the sheriff or his deputy performs these duties.⁹⁶ The prosecuting attorney prosecutes the pleas of the state in the circuit court.⁹⁷ The probation officer (appointed by the judge for an indefinite term) makes investigations and reports in criminal and juvenile matters as directed by the court, and supervises the conduct of persons on probation.⁹⁸ The county director of public welfare performs duties of the probation officer when so directed by the court.⁹⁹ The court reporter (appointed by the judge for an indefinite term) takes down in shorthand, and thereafter transcribes into typewriting, as directed by the court or the parties, the oral evidence, rulings,

⁹ (second act), secs. 1-4. Acts 1851-52, ch. 8, sec. 5. 2 Rev. Stat. 1852; Burns 49-2505; Baldwin 5461. Perfect v. State (1926), 197 Ind. 401, 141 N. E. 52; State *ex rel.* Williams v. Ellis (1916), 184 Ind. 307, 112 N. E. 98.

⁸⁹ Acts 1913; Burns 26-614 to 26-616; Baldwin 5229 to 5231.

⁹⁰ 2 Rev. Stat. 1852; Burns 49-2502; Baldwin 5458.

⁹¹ Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1119; Baldwin, 1937 suppl., 14078-20.

⁹² Acts 1897; Burns 44-301; Baldwin 5621.

⁹³ Acts 1861; Burns 49-601; Baldwin 13053.

⁹⁴ 1 Rev. Stat. 1852, Acts 1859; Burns 56-123; Baldwin 14674.

⁹⁵ 2 Rev. Stat. 1852; Burns 49-2802; Baldwin 5494. See the essay entitled "Sheriff."

⁹⁶ 1 Rev. Stat. 1852, ch. 3, sec. 4. 2 Rev. Stat. 1852, pt. 1, ch. 6, sec. 4. Acts 1879, ch. 51, sec. 26. Acts 1881 (Spec. Sess.), ch. 36, sec. 353; ch. 50, sec. 1. Acts 1895, ch. 145, sec. 122. Acts 1899, chs. 83, 112. Acts 1905, ch. 155. Acts 1915, ch. 172. Acts 1919, ch. 134. Acts 1921, ch. 146. Acts 1921, 1935; Burns, 1939 suppl., 4-3107; Baldwin, 1935 suppl., 1256. Acts 1905; Burns 9-1501, 9-1810; Baldwin 2246, 2290.

⁹⁷ 2 Rev. Stat. 1852; Burns 49-2501; Baldwin 5456. See the essay entitled "Prosecuting Attorney."

⁹⁸ Acts 1903, ch. 23, sec. 2. Acts 1925, ch. 218. Acts 1927; Burns 9-2212, 9-2213; Baldwin 2363, 2364.

⁹⁹ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1120; Baldwin, 1937 suppl., 14078-21. See the essay entitled "County Department of Public Welfare."

instructions to the jury, and other proceedings of the court.¹⁰⁰ Two jury commissioners (annually appointed by the judge) prepare lists of names from which the grand juries and petit juries are drawn.¹⁰¹ The clerk of the circuit court, in person or by deputy, attends the circuit court, performs the statutory and customary duties of clerk during trials, draws up each day's proceedings at full length in the proper order book which is signed by the circuit judge, and enters a complete record of causes after completion thereof.¹⁰² All causes are filed in the office of the clerk of the circuit court, and numbered in consecutive order as filed.¹⁰³ The clerk is charged by statute with the duty of keeping and preserving the official records of the court.¹⁰⁴

CIVIL CAUSES

FILING OF ACTIONS

98. ENTRY, ISSUE DOCKET AND FEE BOOK, 1913-. 16 vols. (1-16).

Record of filing of actions, issues and fees collected in civil causes, showing dates of entry, writ and payment, number and nature of cause, names of plaintiff, defendant, attorneys and witnesses, amount of fees, and minutes of court. This is a combination of three records formerly kept separately: Entry Docket, entry 99; Issue Docket, entry 112; Fee Book, Civil, entry 128. Arr. chron. by dates of entries. Indexed alph. by names of plaintiffs. Hdw. 300 pp. 18 x 12 x 3. Clk. off.

99. ENTRY DOCKET, 1861-1912. 7 vols. (two vols. not labelled, 1-5). 1913- in Entry, Issue Docket and Fee Book, entry 98.

Record of filing of actions in civil causes, showing dates of filing and sheriff's return, number and nature of cause, and names of plaintiff, defendant and attorneys. Also contains:

¹⁰⁰ Acts 1881 (Spec. Sess.), ch. 89. Acts 1899, 1927; Burns 4-3501 to 4-3511; Baldwin 1286 to 1292, 1298, 1298-1, 1776, 1297-1, 1293, 1300.

¹⁰¹ Acts 1881 (Spec. Sess.), 1899, 1913; Burns 4-3301, 4-3306; Baldwin 1266, 1270. Acts 1881 (Spec. Sess.), 1939; Burns, 1939 suppl., 4-3304; Baldwin, 1939 suppl., 1267.

¹⁰² 2 Rev. Stat. 1852, Acts 1885 (Spec. Sess.), 1933; Burns 4-324; Baldwin 1413. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433. See the essay entitled "Clerk of the Circuit Court."

¹⁰³ Acts 1881 (Spec. Sess.); Burns 2-1053; Baldwin 158. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

¹⁰⁴ 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

Entry Docket, Criminal, 1861-76, entry 130. Arr. num. by cause nos. Indexed alph. by names of plaintiffs. Hdw. 500 pp. 18 x 12 x 2½. NE. stor. rm., 3d fl.

ORIGINAL DOCUMENTS

100. CIVIL CASES, 1815-. 1,775 f. b. (1-1, 775).

Original documents filed in civil causes, including complaints, summons, subpoenas, demurrers, answers, denials, motions and abatements, showing court term, dates of instrument, filing and disposition, number and nature of cause, names of plaintiff, defendant, attorneys and witnesses, and disposition. Also contains: Indictments and Affidavits, 1815-59, entry 131. Arr. chron. by dates of disposition. For indexes, see entries 101 and 102. Hdw. and typed. 5 x 4 x 10. 1,160 f. b., 1815-1910, NE. stor. rm., 3d fl.; 615 f. b., 1911-, clk. off.

101. GENERAL INDEX TO CIVIL CAUSES, 1815-. 4 vols. (1-4).

General index to Civil Cases, entry 100, by plaintiff, showing dates of filing and disposition, nature of action, names of plaintiff and defendant, volume and page reference to Civil Order Book, entry 114, and file box number. Arr. alph. by names of plaintiffs. Hdw. 400 pp. 18 x 14 x 3. Clk. off.

102. GENERAL INDEX TO CIVIL CAUSES, 1815-. 4 vols. (1-4).

General index to Civil Cases, entry 100, showing same information as in entry 101. Arr. alph. by names of defendants. Hdw. 400 pp. 18 x 14 x 3. Clk. off.

SANITY

103. INSANE RECORD, 1870-. 6 vols. (two vols. not labelled, 1-4).

Record of inquests and commitments of insane and feeble-minded persons, showing dates of petition, inquest, commitment, sheriff's return and hospital receipt, cause number, name, age, date and place of birth, and personal and family history of patient, names of parents and examining physicians, statements of physicians, commitment order, sheriff's return, and receipt of hospital superintendent. Also contains: Epilepsy Record, 1870-Oct. 5, 1928, entry 106. Arr. chron. by dates of petitions. Indexed alph. by names of patients. Hdw. 300 pp. 18 x 14 x 2½. Clk. off.

104. INSANE PAPERS, 1881-. 126 f. b.

Original documents filed in sanity causes, including petition, personal record of patient and patient's family, statements of physicians, commitment order, sheriff's return and receipt

of hospital superintendent, showing same information as in entry 103. Also contains: Feeble-minded, 1881-99, entry 105. Arr. chron. by dates of disposition. No index. Hdw. and typed. 5 x 4 x 10. 125 f. b., 1881-1935, NE. stor. rm., 3d fl.; 1 f. b., 1936-, clk. off.

105. FEEBLE-MINDED, 1900-. 2 f. b. 1881-99 in Insane Papers, entry 104.

Original documents filed in feeble-minded causes, including petition, personal record of patient and patient's family, statements of physicians, commitment order, sheriff's return and receipt of hospital superintendent, showing same information as in entry 103. Arr. chron. by dates of disposition. No index. Hdw. and typed. 5 x 4 x 10. Clk. off.

106. EPILEPSY RECORD, Oct. 6, 1928-. 1 vol. 1870-Oct. 5, 1928 in Insane Record, entry 103.

Record of inquests and commitments of epileptic patients, showing same information as in entry 103. Arr. chron. by dates of petitions. Indexed alph. by names of patients. Hdw. 420 pp. 18 x 12 x 2½. Clk. off.

NATURALIZATION :

107. RECORD OF INTENTIONS, 1894-1928. 3 vols. Discontinued. Jurisdiction exercised by Federal Court. Record of declarations of intention by alien residents to become citizens of U. S., showing dates of filing and arrival, name, description, age, occupation, date and place of birth, foreign and present address of alien, ports of sailing and entry, and name of vessel. Arr. chron. by dates of filing. Indexed alph. by names of aliens. Hdw. 450 pp. 18 x 12 x 2. Clk. off.

108. PETITION FOR NATURALIZATION, 1863-1929. 3 vols. Discontinued. Jurisdiction exercised by Federal Court.

Record of petitions for citizenship for aliens, showing dates of petition, affidavits, declaration of intention, sailing and arrival, name, occupation, date and place of birth and residence of petitioner, ports of sailing and arrival, name of vessel, oath of allegiance, names of witnesses, and admittance to citizenship or denial. Arr. chron. by dates of petitions. Indexed alph. by names of petitioners. Hdw. 100 pp. 18 x 12 x 1½. NE. stor. rm., 3d fl.

DRAINAGE

109. DRAINAGE RECORD, 1906-. 1 vol.

Record of petitions for construction of drainage ditches,

showing dates of petition and filing, name, location and description of proposed ditch, plans and specifications, names of petitioners, court proceedings, and disposition. Arr. chron. by dates of petitions. Indexed alph. by names of first signature on petitions. 1906-Jan. 14, 1929, hdw.; Jan. 29, 1929-, typed. 400 pp. 18 x 12 x 3. Clk. off.

MINUTES

110. CIVIL COURT DOCKET, 1854-. 29 vols. (one vol. not labelled, 2-22, seven vols. not labelled).

Judge's record of actions and proceedings in civil causes, showing dates of filing and sheriff's return, number and nature of cause, names of plaintiff, defendant, attorneys and witnesses, minutes of court, and disposition. Also contains: Court Docket, Criminal, 1854-83, entry 134. Arr. num. by cause nos. No index. Hdw. 400 pp. 18 x 12 x 3. 22 vols., 1854-1914, NE. stor. rm., 3d fl.; 7 vols., 1915-, clk. off.

111. COURT DOCKET, 1853-73. 7 vols. (1-7).

Judge's record of actions and proceedings in civil, criminal and probate causes of common pleas court, showing dates of filing and sheriff's return, number and nature of cause, names of plaintiff, defendant and attorneys, minutes of court, and disposition. Arr. num. by cause nos. No index. Hdw. 400 pp. 18 x 12 x 3. NE. stor. rm., 3d fl.

112. ISSUE DOCKET, 1848-1912. 15 vols. 1913-in Entry, Issue Docket and Fee Book, entry 98.

Record of actions and proceedings in civil and criminal causes, showing court term, dates of filing, writs and sheriff's return, number and nature of cause, names of plaintiff, defendant, attorneys and witnesses, and minutes of court. Arr. num. by cause nos. Indexed alph. by names of defendants. Hdw. 500 pp. 18 x 12 x 2½. NE. stor. rm., 3d fl.

113. ISSUE DOCKET, 1853-73. 5 vols.

Record of actions and proceedings in civil, criminal and probate causes in common pleas court, showing court term, dates of filing and sheriff's return, number and nature of cause, names of plaintiff, defendant, attorneys and witnesses, and court proceedings. Arr. num. by cause nos. No index. Hdw. 485 pp. 18 x 12 x 2. NE. stor. rm., 3d fl.

ORDERS

114. CIVIL ORDER BOOK, 1815-. 53 vols. (A-Z, A1-Z1, A2). Record of actions and proceedings in civil causes, showing dates of filing and action, number and nature of cause, names

of plaintiff, defendant, attorneys and witnesses, and disposition. Also contains: Record of Insurance Statements, 1879-85, entry 41; Indictment Record, 1815-29, entry 132; Record of Recognizance Bonds, 1815-29, entry 133; Criminal Order Book, 1815-29, entry 135. Arr. chron. by dates of actions. Indexed alph. by names of plaintiffs and defendants. 1815-May 18, 1916, hdw.; May 21, 1916-, typed. 580 pp. 18 x 12 x 3. Clk. off.

115. ORDER BOOK, 1853-73. 6 vols. (1-6).

Record of actions and proceedings in civil and criminal causes in common pleas court, showing dates of filing and action, number and nature of cause, names of plaintiff, defendant, attorneys and witnesses, and disposition. Arr. chron. by dates of actions. Indexed alph. by names of plaintiffs and defendants. Hdw. 560 pp. 18 x 12 x 2½. Clk. off.

JUDGMENTS

116. JUDGMENT DOCKET, 1819-. 13 vols. (1-10, 1-3).

Record of judgments rendered in civil and criminal causes, showing date of judgment, number and nature of cause, names of plaintiff, defendant and attorneys, amounts of judgment fees and costs, date of satisfaction, and volume and page reference to Civil Order Book, entry 114. Arr. alph. by names of judgment defendants. 350 pp. 18 x 12 x 3. 10 vols., 1819-Oct. 1893, NE. stor. rm., 3d fl.; 3 vols., Nov. 1893-, clk. off.

117. JUDGMENT DOCKET [COMMON PLEAS], 1853-73. 6 vols.

Record of judgments rendered in civil and criminal causes of common pleas court, showing date of judgment, number and nature of cause, names of plaintiff, defendant and attorneys, amounts of judgment, fees and costs, date of satisfaction, and volume and page reference to Order Book, entry 115. Arr. alph. by names of judgment defendants. Hdw. 250 pp. 18 x 12 x 2. NE. stor. rm., 3d fl.

EXECUTIONS (see also entries 164-167)

118. EXECUTION DOCKET, 1819-. 13 vols. (one vol. not labelled, 1-12).

Record of execution of court decrees in settlement of judgment, showing number and nature of cause, dates of execution, decree and sheriff's return, names of plaintiff, defendant and attorneys, and amounts of judgment, fees and costs. Arr. chron. by dates of executions. Indexed alph. by names of plaintiffs. Hdw. 300 pp. 18 x 12 x 2½. Clk. off.

119. EXECUTIONS, 1829-. 52 f. b.

Writs of executions issued by court to sheriff to attach or levy against property to satisfy judgments, showing dates of writ and sheriff's return, cause number, names of plaintiff and defendant, amounts of judgment, costs and fees, location and description of property involved, and volume and page reference to Civil Order Book, entry 114. Arr. chron. by dates of writs. No index. Hdw. 5 x 4 x 10. 51 f. b., 1829-1928, NE. stor. rm., 3d fl.; 1 f. b. 1929-, clk. off.

120. PRAECIPE BOOK, 1858-. 10 vols.

Record of orders of attorney of record or plaintiff to clerk to prepare or issue writs of court decrees, to prepare transcripts of change of venue or appeals to proper court, or prepare fee bills in causes in civil actions, showing date of order, cause number, names of court, plaintiff, defendant and attorneys, and kind and nature of writ. Arr. chron. by dates of orders. No index. 200 pp. 18 x 12 x 2. 8 vols., 1858-1929, NE. stor. rm., 3d fl.; 2 vols., 1930-, clk. off.

121. LIS PENDENS, COMPLAINTS, 1869-. 2 vols. (1, 2).

Record of complaints filed involving possible changes to titles to real estate, showing date of filing, cause number, names of plaintiff, defendant and attorneys, nature of complaint, and location and description of property involved. Arr. chron. by dates of filing. Indexed alph. by names of plaintiffs and defendants. Hdw. 592 pp. 20 x 16 x 3. Clk. off.

122. LIS PENDENS, NOTICES, 1869-. 2 vols. (1, 2).

Record of sheriff's notices of attachments on property for satisfaction of judgment, showing dates of notice and filing, cause number, names of plaintiff, defendant and attorneys, amount of judgment, and location and description of property. Arr. chron. by dates of notices. Indexed alph. by names of plaintiffs and defendants. Hdw. 592 pp. 20 x 16 x 3. Clk. off.

123. LIS PENDENS, SHERIFF'S CERTIFICATE OF SALE, 1871-. 2 vols. (1, 2).

Record of certificates of sales issued to purchasers of property sold to satisfy judgments and record of redemptions, showing cause number, dates and amounts of judgment and sale, names of plaintiff, defendant and purchaser, location and description of property, and date of redemption. Arr. chron. by dates of sales. Indexed alph. by names of defendants. Hdw. 600 pp. 20 x 16 x 3. Clk. off.

124. TRANSCRIPT RECORD, 1879-. 6 vols. (1, two vols. not labelled, 4-6).

Transcript of judgments rendered in justice of peace courts

and transferred to circuit court for execution, showing date of transcript, number and nature of cause, names of plaintiff, defendant and court, amounts of judgment, fees and costs, court proceedings, and sheriff's return. Arr. chron. by dates of transcripts. Indexed alph. by names of plaintiffs. Hdw. and typed. 600 pp. 18 x 12 x 2½. Clk. off.

COMPLETE TRANSCRIPTS

125. COMPLETE RECORD, 1826-1929. 26 vols. (A-Z).

Complete transcripts of proceedings in all causes involving changes in titles to real estate, showing date of filing, nature and number of cause, names of plaintiff, defendant, attorneys and witnesses, location and description of real estate, orders of courts, and disposition. Arr. chron. by dates of filing. Indexed alph. by names of plaintiffs. 1826-Nov. 3, 1915, hdw.; Nov. 6, 1915-29, typed. 640 pp. 20 x 14 x 3. Clk. off.

126. COMPLETE RECORD [COMMON PLEAS], 1853-73. 5 vols. (A-E).

Complete transcripts of action and proceedings in causes of common pleas court involving changes on titles to real estate, showing date of filing, nature and number of cause, names of plaintiff, defendant, attorneys and witnesses, location and description of real estate, orders of court, and disposition. Arr. chron. by dates of filing. Indexed alph. by names of plaintiffs. Hdw. 600 pp. 18 x 12 x 3. Clk. off.

FEE AND CASH RECORDS

127. SUPPORT DOCKET, 1909-. 3 vols.

Record of money received and disbursed for support of children and alimony payments, showing dates and amounts received and disbursed, names of payer and payee, and cause number. Arr. num. by cause nos. Indexed alph. by names of payers. Hdw. 300 pp. 16 x 12 x 3. Clk. off.

128. FEE BOOK, CIVIL, 1850-1912. 22 vols. (five vols. not labelled, 3-19). 1913- in Entry, Issue Docket and Fee Book, entry 98.

Record of fees and costs received in civil causes, showing court term, dates of filing and payment, number and nature of cause, names of plaintiff and defendant, and amounts of fees and costs. Also contains: Criminal Fee Book, 1850-84, entry 136. Arr. num. by cause nos. No index. Hdw. 485 pp. 18 x 12 x 2. NE. stor. rm., 3d fl.

129. FEE BOOK, COMMON PLEAS, 1853-78. 5 vols. (1-5). Record of fees assessed in civil and criminal causes in common pleas court, showing cause number, names of plaintiff and defendant, kind of action, and amount of fees. Arr. num. by cause nos. No index. Hdw. 480 pp. 18 x 12 x 2. NE. stor. rm., 3d fl.

CRIMINAL CAUSES

(See also entries 111-113, 115-117, 129)

FILING OF ACTIONS

130. ENTRY DOCKET, CRIMINAL, 1877-1926. 5 vols. 1861-76 in Entry Docket, entry 99; 1927- in Court Docket, Criminal, entry 134.

Record of filing of actions in criminal causes, showing dates of filing and sheriff's return, number and nature of cause, and names of defendants and attorneys. Arr. num. by cause nos. Indexed alph. by names of defendants. Hdw. 480 pp. 18 x 12 x 2. NE. stor. rm., 3d fl.

ORIGINAL DOCUMENTS

131. INDICTMENTS AND AFFIDAVITS, 1860-. 193 f. b. Title varies: State Cases, 1860-1929, 185 f. b. 1815-59 in Civil Cases, entry 100.

Original documents filed in criminal causes including affidavits, indictments, warrants for arrest, motions, notices of appeal, pleas, abatements, subpoenas and verdicts, showing court term, dates of instrument, filing and disposition, number and nature of cause, names of defendant, attorneys and witnesses, and disposition. Arr. chron. by dates of disposition. No index. Hdw. and typed. 5 x 4 x 10. 185 f. b., 1860-1929, NE. stor. rm., 3d fl.; 8 f. b., 1930-, clk. off.

AFFIDAVITS AND INDICTMENTS

132. INDICTMENT RECORD, 1853-. 13 vols. (1-13). 1815-29 in Civil Order Book, entry 114; 1830-52 in Criminal Order Book, entry 135.

Record of true bills returned by grand jury charging criminal offense, showing date of indictment, name, age and address of defendant, number and nature of cause, and names of state witnesses. Arr. chron. by dates of indictments. Indexed alph. by names of defendants. Hdw. 600 pp. 18 x 12 x 3. 10 vols., 1853-1922, NE. stor. rm., 3d fl.; 3 vols., 1923-, clk. off.

BONDS

133. RECORD OF RECOGNIZANCE BONDS, 1928-. 1 vol. 1815-29 in Civil Order Book, entry 114; 1830-1927 in Criminal Order Book, entry 135.

Record of bonds posted to guarantee the appearance of defendants in court, showing date, amount and conditions of bond, number and nature of cause, and names of defendant and sureties. Arr. chron. by dates of bonds. Indexed alph. by names of defendants. Hdw. 290 pp. 24 x 14 x 2½. Clk. off.

MINUTES

134. COURT DOCKET, CRIMINAL, 1884-. 11 vols. (three vols. not labelled, 1-5, three vols. not labelled). 1854-83 in Civil Court Docket, entry 110.

Judge's record of actions and proceedings in criminal causes, showing dates of filing and trial, number and nature of action, name of defendant, minutes of court, disposition, and volume and page reference to Criminal Order Book, entry 135. Also contains: Entry Docket, Criminal, 1927-, entry 130. Arr. num. by cause numbers. No index. Hdw. 275 pp. 18 x 12 x 2. NE. stor. rm., 3d fl.

ORDERS

135. CRIMINAL ORDER BOOK, 1830-. 8 vols. (1-8). 1815-29 in Civil Order Book, entry 114.

Record of actions and proceedings in criminal causes, showing court term, date of trial, number and nature of cause, names of plaintiff, defendant, attorneys and witnesses, and decrees of court. Also contains: Indictment Record, 1830-52, entry 132; Record of Recognizance Bonds, 1830-1927, entry 133. Arr. chron. by dates of trials. Indexed alph. by names of defendants. 1830-May 1916, hdw.; Sept. 1916-, typed. 580 pp. 24 x 14 x 3. Clk. off.

FEE AND CASH RECORDS

136. CRIMINAL FEE BOOK, 1885-. 5 vols. (1-5). 1850-84 in Fee Book, Civil, entry 128.

Record of fees and costs received in criminal causes, showing dates of filing and payment, cause number, name of defendant, and amounts of fees and costs. Arr. num. by cause nos. No index. Hdw. 485 pp. 18 x 12 x 2. 3 vols., 1885-1912, NE. stor. rm., 3rd fl.; 2 vols., 1913-, clk. off.

PROBATE CAUSES

(See also entries 111, 113)

FILING OF ACTIONS

137. ESTATE ENTRY, CLAIM AND ALLOWANCE DOCKET, AND FEE BOOK, 1913—. 6 vols. (1-6).

Record of filing of actions and claims, allowance and payment of fees and costs in estate causes, showing dates of filing, claim, allowance and payment of fees and costs, cause number, names of estate, administrator or executor, heirs, attorneys, claimants and sureties, valuation of estate, amounts of claims, allowances and fees and costs, and volume and page reference to Order Book, Probate, entry 153. This is a combination of two records formerly kept separately: General Entry, Claim and Allowance Docket, entry 138; Fee Book, [Estates], entry 155. Arr. chron. by dates of filing. Indexed alph. by names of estates. Hdw. 600 pp. 18 x 12 x 3. Clk. off.

138. GENERAL ENTRY, CLAIM AND ALLOWANCE DOCKET, 1852-1912. 7 vols. (1, 2, two vols. not labelled, 1-3). Title varies: Appearance Docket, 1852-Sept. 23, 1881, 4 vols. 1913— in Estate Entry, Claim and Allowance Docket and Fee Book, entry 137.

Record of filing of actions, claims and allowances in estate causes, showing dates of filing, claim and allowance, cause number, names of estate, administrator or executor, heirs, attorneys, claimants and sureties, valuation of estate, and amounts of claims and allowances. Arr. chron. by dates of filing. Indexed alph. by names of estates. Hdw. 600 pp. 18 x 12 x 3. Clk. off.

139. GUARDIAN'S DOCKET AND FEE BOOK, 1900—. 6 vols. (1-6). Record of filing of actions and payment of fees in guardianship causes, showing date of filing and guardian's appointment, cause number, names of ward, guardian and sureties, amount of guardian's bond, and amount of fees and costs. This is a combination of two records formerly kept separately: Guardian's Docket, entry 140; Guardian's Fee Book, entry 156. Arr. num. by cause numbers. Indexed alph. by names of guardians. Hdw. 500 pp. 18 x 12 x 2. Clk. off.

140. GUARDIAN'S DOCKET, 1847-99. 5 vols. 1900— in Guardian's Docket and Fee Book, entry 139.

Record of filing of actions in guardianship causes, showing date of filing and guardian's appointment, cause number, names of ward, guardian and sureties, and amount of guardian's bond. Arr. num. by cause numbers. Indexed alph. by names of guardians. Hdw. 500 pp. 18 x 12 x 2. NE. stor. rm., 3rd fl.

ORIGINAL DOCUMENTS

141. ESTATES, 1982-. 30 f. b. (1-30). 1816-1931 in Estates and Guardianships, entry 143.

Original documents filed in estate causes, including letters of appointment, administrator's or executor's bonds, inventories, sale bills, claims and reports, showing cause number, dates of document and filing, nature of action, names of decedent, heirs, administrator or executor and sureties, amounts of inventory, sale bills and claims, and nature of final settlement. Arr. chron. by dates of filing. No index. Hdw. and typed. 5 x 4 x 10. Clk. off.

142. GUARDIANSHIPS, 1932-. 60 f. b. (1-60). 1816-1931 in Estates and Guardianships, entry 143.

Original documents filed in guardianship causes, including letters of appointment, guardian's bonds, inventories and reports, showing cause number, dates of document and filing, nature of action, names of ward, guardian and sureties, amount of inventory, and nature of final settlement. Arr. chron. by dates of filing. No index. Hdw. and typed. 5 x 4 x 10. Clk. off.

143. ESTATES AND GUARDIANSHIPS, 1861-1931. 2,126 f. b. (4000-5757, 1-368).

Original documents filed in estate and guardianship causes, including letters of appointment, administrator's or executor's and guardian's bonds, inventories, sale bills, claims, and reports, showing cause number, dates of document and filing, nature of action, names of decedent, heirs, administrator or executor and sureties, ward, guardian and sureties, amounts of inventories, sale bills and claims, and nature of final settlement. This is a combination of two records later kept separately; Estates, entry 141; Guardianships, entry 142. Also contains: Partition Papers, 1816-51, entry 144; Wills, 1816-1918, entry 146. Arr. chron. by dates of filing. No index. Hdw. and typed. 5 x 4 x 10. 1,800 f. b., 1816-1915, NE. stor. rm., 3d fl.; 326 f. b., 1916-, clk. off.

144. PARTITION PAPERS, 1852-. 25 f. b. 1816-51 in Estates and Guardianships, entry 143.

Petitions for partition or sale of real estate, showing date of petition, names of decedent, administrator and heirs, location, description, and appraised valuation of property, and order of court. Arr. chron. by dates of petitions. No index. Hdw. and typed. 5 x 4 x 10. 20 f. b., 1852-1930, NE. stor. rm., 3d fl.; 5 f. b., 1931-, clk. off.

For partition record, see entry 69.

WILLS (see also entry 70)

145. WILL RECORD, 1816-. 7 vols. (one vol. not numbered, 1-6).

Transcripts of wills and testaments filed for probate, showing dates of instrument and filing, cause number, names of testator, executor, heirs and witnesses, conditions of will, description and amount of bequests, attest of witnesses, and affidavit of testators death. Arr. chron. by dates of filing. Indexed alph. by names of testators. 1816-1913, hdw.; 1914-, typed. 600 pp. 18 x 12 x 3. Clk. off.

146. WILLS, 1919-. 8 f. b. 1816-1918 in Estates and Guardianships, entry 143.

Original wills filed for probate, showing dates of will and filing, cause number, names of testator, executor, heirs and witnesses, amounts of bequest, affidavit of testators death, and volume and page reference to Will Record, entry 145. Arr. chron. by dates of filing. No index. Hdw. and typed. 5 x 4 x 10. Clk. off.

BONDS

147. ADMINISTRATOR'S BOND, OATH AND LETTERS, 1844-. 8 vols. Record of bonds posted by, oaths administered and letters granted to administrators and executors, showing dates of bond, oath and letters, and names of estate, administrator or executor and sureties. Also contains: Guardian's Bond, Oath and Letters, 1899-, entry 148. Arr. chron. by dates of bonds. 1844-52, no index; 1852-, indexed alph. by names of decedents. Hdw. 400 pp. 18 x 12 x 4. 3 vols., 1844-65, 1880-88, NE. stor. rm., 3d fl.; 2 vols., 1866-79, recr. off.; 3 vols., 1889-, clk. off.

148. GUARDIAN'S BOND, OATH AND LETTERS, 1847-98. 5 vols. 1899- in Administrator's Bond, Oath and Letters, entry 147.

Record of Bonds posted by, oaths administered and letters granted to guardians, showing dates of bond, oath and letters, and names of guardian, wards and sureties. Arr. chron. by dates of bonds. Indexed alph. by names of guardians and wards. Hdw. 500 pp. 18 x 12 x 4. 4 vols., 1847-65, 1874-98, NE. stor. rm., 3d fl.; 1 vol., 1865-73, clk. off.

149. ADMINISTRATORS, EXECUTORS AND GUARDIANS BONDS TO SELL REAL ESTATE, 1855-1903. 3 vols. Discontinued.

Record of bonds posted by administrators, executors and guardians to sell real estate, showing date, amount, purpose and conditions of bond, and names of estate, administrator,

executor or guardian and sureties. Arr. chron. by dates of bonds. Indexed alph. by names of administrators, executors and guardians. 2 vols., 1855-89, NE. stor. rm., 3d fl.; 1 vol., 1890-1903, clk. off.

INVENTORIES AND SALE BILLS

150. INVENTORY RECORD, 1852-. 21 vols. (1-4, 1-17). Inventory of property involved in settlement of estates, showing dates of inventory and claim, names of estate and claimant, description and value of property on inventory, list of moneys, stocks and claims, number, amount and nature of claim, rate of interest, date and amount of credits, and appraised value. Arr. chron. by dates of filing. Indexed alph. by names of estates. Hdw. 580 pp. 24 x 18 x 3. 18 vols., 1852-1928, NE. stor. rm., 3d fl.; 3 vols., 1929-, clk. off.

151. SALE BILL RECORD, 1853-. 9 vols. (1-3, 1-6). Record of sale bills for disposition of property in settlement of estates, showing dates of sale, names of estate, purchaser and sureties, description of property sold, and amount and terms of sale. Arr. chron. by dates of sales. Indexed alph. by names of estates. Hdw. 450 pp. 18 x 13 x 3. 8 vols., 1853-1930, NE. stor. rm., 3d fl.; 1 vol., 1931-, clk. off.

MINUTES

152. PROBATE COURT DOCKET, 1829-. 14 vols. Record of actions and proceedings in estate and guardianship causes, showing dates of filing and action, nature of action, cause number, names of estate or guardianship, administrator or executor and guardian, and court proceedings. Arr. chron. by dates of filing. No index. Hdw. 600 pp. 18 x 12 x 3. 8 vols., 1829-1914, NE. stor. rm., 3d fl., 6 vols., 1915-, clk. off.

ORDERS

153. ORDER BOOK, PROBATE, 1815-. 44 vols. (1-37, A-G). Record of actions and proceedings in estate and guardianship causes, showing dates of filing and action, cause number, names of estate or guardianship, administrator or executor, guardian and wards, attorneys and witnesses, nature of action, and disposition. Arr. chron. by dates of actions. Indexed alph. by names of estates and guardianships. 1815-May 12, 1916, hdw.; May 18, 1916-, typed. 600 pp. 18 x 12 x 3. Clk. off.

154. RECORD OF INHERITANCE TAX ORDERS, 1913-. 2 vols. Record of court orders determining value of estates and amount

of inheritance tax, showing date of decedent's death, names of decedent and heirs, value of estate, and amounts of indebtedness, exemptions and tax. Arr. chron. by dates of orders. Indexed alph. by names of decedents. Hdw. 600 pp. 18 x 12 x 4. Clk. off.

For other inheritance tax records, see entries 175, 188, 189.

FEE AND CASH RECORDS

155. FEE BOOK [Estates], 1874-1912. 6 vols. (1-6). 1853-73 in Fee Book, Probate, Common Pleas, entry 157; 1913- in Estates Entry, Claim and Allowance Docket and Fee Book, entry 137.

Record of fees and costs received in estate causes, showing dates of filing and payment, cause number, names of estate, executor or administrator, heirs and witnesses, and amounts of fees and costs. Arr. chron. by dates of filing. Indexed alph. by names of estates. Hdw. 485 pp. 18 x 12 x 2. NE. stor. rm., 3d fl.

156. GUARDIAN'S FEE BOOK, 1874-99. 3 vols. 1853-73 in Fee Book, Probate, Common Pleas, entry 157; 1900- in Guardian's Docket and Fee Book, entry 139.

Record of fees collected in guardianship causes, showing date of collection, cause number, names of guardian and ward, and nature and amount of fee. Arr. num. by cause numbers. Indexed alph. by names of guardians. Hdw. 500 pp. 18 x 12 x 2. NE. stor. rm., 3d fl.

157. FEE BOOK, PROBATE, COMMON PLEAS, 1853-73. 5 vols. (1-5).

Record of fees assessed in estate and guardianship causes in common pleas court, showing cause number, names of estate, administrator or executor and guardian, kind of action, and amount of fees. This is a combination of two records later kept separately: Fee Book, [Estates], entry 155; Guardian's Fee Book, entry 156. Arr. num. by cause nos. Indexed alph. by names of estates and guardianship. Hdw. 250 pp. 18 x 6 x 1. NE. stor. rm., 3d fl.

JUVENILE CAUSES

158. ORDER BOOK, JUVENILE, 1924-. 1 vol.

Record of actions and proceedings in juvenile causes, showing date of action, cause number, names of defendant and attorneys, nature of action, court proceedings, and disposition. Arr. chron. by dates of actions. Indexed alph. by names of children. Typed. 265 pp. 16 x 12 x 1½. Clk. off.

159. RILEY HOSPITAL RECORD, 1924-. 1 vol.

Record of orders and proceedings in causes admitting children to Riley Hospital, showing date of filing, name, age, sex, race and birthplace of child, names of parents or guardian, cause number, statements of physicians and witnesses as to condition of child, and court orders. Arr. chron. by dates of filing; Indexed alph. by names of children. Hdw. 425 pp. 18 x 12 x 2. Clk. off.

MISCELLANEOUS

160. SPECIAL JUDGE CERTIFICATES, 1902-. 2 f. b.

Appointments of judges to serve in absences of regular judges, showing date of appointment, and names of court and judge. Arr. chron. by dates of appointments. No index. Hdw. 5 x 4 x 10. Aud. off.

VI. SHERIFF

LEGAL STATUS

The sheriff of Posey County is a constitutional officer, elected for a two-year term by the voters of the county. The office of sheriff was created by the Constitution of 1816 and re-created by the Constitution of 1851. No person is eligible to hold the office more than four years in any six-year period.¹ He is commissioned by the Governor of Indiana² and holds office until his successor is elected and qualified.³ The sheriff must be an elector of the county, and must have been an inhabitant thereof during one year next preceding his election;⁴ and, while holding the office of sheriff, he must reside in the county, must not hold any other lucrative office,⁵ and must not practice law.⁶ He must post bond in an amount

¹ Const. 1816, art. 4, sec. 25. Const. 1851, art. 6, sec. 2. 2 Rev. Stat. 1852; Burns 49-2801; Baldwin 5493. Gemmer v. State *ex rel.* Stephens (1904), 163 Ind. 150, 71 N. E. 478.

² Const. 1816, art. 11, sec. 9. Const. 1851, art. 15, sec. 6. Acts 1816-17, ch. 13, secs. 1, 8. 1 Rev. Stat. 1852; Burns 49-201; Baldwin 13095.

³ Const. 1851, art. 15, sec. 3.

⁴ Const. 1816, art. 11, sec. 14. Const. 1851, art. 6, sec. 4.

⁵ Const. 1816, art. 11, secs. 6, 13. Const. 1851, art. 2, sec. 9; art. 6, sec. 8.

⁶ Acts 1865, ch. 42 (misnumbered 62), sec. 2. Acts 1905; Burns 10-3102; Baldwin 2636. McCracken v. State (1867), 27 Ind. 491.

between \$5,000 and \$15,000, approved by the board of commissioners and filed with the clerk of the circuit court,⁷ and take an oath that he will support the state and federal constitutions and will faithfully discharge the duties of his office.⁸

The sheriff receives a regular salary of \$1,680 per year.⁹ He is permitted to retain, as compensation for himself, the fees charged by him for execution of process issued by courts outside of the county. If the sheriff furnishes and maintains the vehicles used in the discharge of his official duties, he is entitled to an allowance of \$400 per year to cover the cost of such maintenance, or is entitled in lieu thereof, to a mileage allowance at the rate of six cents per mile (when he furnishes the conveyance) for each mile necessarily travelled in serving process, transporting persons to penal and benevolent institutions, and going for and returning fugitives. If the county owns and maintains the vehicles used by him, he is not entitled to an allowance for mileage or for maintenance of the vehicles.¹⁰ For each meal served to the prisoners in his charge, the sheriff receives an allowance not exceeding 20 cents, as determined annually by the state examiner.¹¹

For sufficient legal grounds the sheriff may be removed by the circuit court, after trial by jury on an accusation presented by the grand jury or verified by the oath of any person; and such removal is subject to review by the supreme court.¹² If the sheriff is convicted of a felony, or of permitting the lynching of any prisoner in his custody, the judgment of conviction must declare his office vacant.¹³

Any vacancy in the office of sheriff is filled through

⁷ Acts 1816-17, ch. 13, secs. 2-4, 8. 2 Rev. Stat. 1852, Acts 1937; Burns, 1939 suppl., 49-2801; Baldwin, 1937 suppl., 5493.

⁸ Const. 1851, art. 15, sec. 4. Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054. State *ex rel.* Chapman v. Lines (1853), 4 Ind. 351.

⁹ Acts 1933; Burns 49-1004; Baldwin 7534.

¹⁰ Acts 1933; Burns 49-1005; Baldwin 7535. Acts 1933, 1937; Burns, 1939 suppl., 49-1008; Baldwin, 1937 suppl., 7538. *McFarlan v. State* (1897), 149 Ind. 149; Board of County Comrs. v. Baker (1939), — Ind. —, 19 N. E. (2d) 250.

¹¹ Acts 1935; Burns, 1939 suppl., 49-1323; Baldwin, 1935 suppl., 13455-1.

¹² Const. 1851, art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1897, 1899; Burns 49-821 to 49-834, 49-836; Baldwin 13154 to 13166, 13050, 13168. Acts 1875; Burns 49-837; Baldwin 13052.

¹³ Acts 1905; Burns 10-3309, 10-3310; Baldwin 2530, 2531. Acts 1897, 1899; Burns 49-834; Baldwin 13050.

appointment by the board of commissioners. The county coroner performs the duties of sheriff until a new appointment is made. The person appointed to fill a vacancy must take oath and post bond, as was required of his predecessor, and he holds office for the unexpired term and until his successor is elected and qualified.¹⁴

Under authority from the board of commissioners the sheriff may appoint one deputy and one or more assistants. The deputy must have resided in the county for at least one year previous to his appointment. The county council fixes the salaries of the deputy and assistants, which must not be less than \$75 nor more than \$125 per month.¹⁵ The sheriff may require the deputy to give bond.¹⁶ The deputy must take the oath required of the sheriff, may perform all the official duties of the sheriff, and is subject to the same regulations and penalties.¹⁷ The sheriff may remove such deputy and assistants at any time, and is responsible for their official acts.¹⁸

The office of sheriff was established in Posey County when the county was created in 1814.¹⁹ The sheriff was appointed by the governor for an indefinite term and could be removed by him at any time.²⁰ The sheriff was required to post bonds covering his official duties.²¹

Before the adoption of the Constitution of 1816 the sheriff was a conservator of the peace; took recognizances; attended court sessions and preserved order therein; executed the process of the courts; had custody of the county jail;²²

¹⁴ Const. 1851, art. 6, sec. 9. Acts 1816-17, ch. 13, sec. 7. Acts 1881 (Spec. Sess.); Burns 29-701; Baldwin 7081. 1 Rev. Stat. 1852; Burns 49-405, 49-408, 49-409; Baldwin 13104, 13106, 13107. 2 Rev. Stat. 1852; Burns 49-2902; Baldwin 5437. *Akers v. State ex rel. Kent* (1856), 8 Ind. 484. *State ex rel. Culbert v. Linkhauer* (1895), 142 Ind. 94, 41 N. E. 325. Interview of August 29, 1939 with Omer Stokes Jackson, Attorney General of Indiana.

¹⁵ 1 Rev. Stat. 1852, Acts 1855, 1925; Burns 49-501; Baldwin 13108. Acts 1921; Burns 49-504; Baldwin 13111. Acts 1933, 1935, 1937; Burns, 1939 suppl., 49-1002; Baldwin, 1937 suppl., 7532. *Opinions of the Attorney General of Indiana, 1934*, p. 256; 1937, p. 324.

¹⁶ 1 Rev. Stat. 1852, Acts 1855, 1925; Burns 49-501; Baldwin 13108.

¹⁷ 1 Rev. Stat. 1852; Burns 49-502; Baldwin 13109.

¹⁸ 1 Rev. Stat. 1852; Burns 49-503; Baldwin 13110. Acts 1933, 1935, 1937; Burns, 1939 suppl., 49-1002; Baldwin, 1937 suppl., 7532. *Boaz v. Tate* (1873), 43 Ind. 60.

¹⁹ Acts 1814, ch. 7, sec. 1.

²⁰ Acts 1807, ch. 4, sec. 1.

²¹ *Ibid.*, ch. 92, sec. 32. Acts 1813, ch. 8, sec. 11. Acts 1815, ch. 5, sec. 2.

²² Acts 1807, chs. 4, 69, 70. Acts 1810, ch. 16, sec. 2; ch. 25, sec. 1. Acts 1813, ch. 20. Acts 1813-14, ch. 6. Acts 1814, ch. 8, secs. 2, 8; ch. 20, secs. 7, 8; ch. 21, secs. 17, 18.

collected fines imposed by officers of the militia;²³ collected taxes;²⁴ served as county treasurer;²⁵ notified road viewers of their appointment;²⁶ gave public notice of holding elections; notified election inspectors of their appointment; and participated in the certification of persons elected.²⁷ In case of disqualification of the sheriff his duties as a court officer could be performed by the coroner.²⁸ The law specifically provided that the coroner could not serve as county treasurer.²⁹

The Constitution of 1816 provided that a sheriff should be elected in each county, by the voters thereof, for a two-year term.³⁰ The statutory offices of county treasurer and county tax collector were established in the county in 1817 and 1824, respectively, relieving the sheriff of his duties as county treasurer and tax collector.³¹

FUNCTIONS AND RECORDS

The sheriff is a conservator of the peace within the county. He is required to arrest without process all persons who within his view commit any crime or misdemeanor, and detain them in custody during investigation of the cause of the arrest; suppress all breaches of the peace, having authority to call to his aid the power of the county; pursue and commit to jail all felons; maintain the jail and take care of the prisoners confined therein; execute all process, orders, and

²³ Acts 1813-14, ch. 1, secs. 54, 57.

²⁴ Acts 1811, ch. 4, sec. 5; ch. 35, secs. 7, 11-15; ch. 37, secs. 6, 8, 10, 11. Acts 1813, ch. 8, secs. 14-26; ch. 25, secs. 1-3, 5. Acts 1813-14, ch. 14; ch. 32, secs. 3, 4, 6, 7. Acts 1814, ch. 15, sec. 2. Acts 1815, ch. 5, secs. 1, 5, 7.

²⁵ Acts 1807, ch. 65, secs. 1-3. Acts 1811, ch. 37, secs. 3-5, 7. Acts 1813, ch. 8, sec. 26. Acts 1815, ch. 10, secs. 1, 2.

²⁶ Acts 1815, ch. 5, sec. 17.

²⁷ Acts 1811, ch. 16, secs. 2, 11, 13. Acts 1813-14, ch. 33, secs. 7, 13.

²⁸ Acts 1807, ch. 2, sec. 14; ch. 8, sec. 2; ch. 21, sec. 2; ch. 27, sec. 2; ch. 51, secs. 4, 5; ch. 70, sec. 1. Acts 1813, ch. 8, sec. 24. Acts 1813-14, ch. 19, sec. 1. Acts 1814, ch. 21, sec. 17.

²⁹ Acts 1811, ch. 37, sec. 4.

³⁰ Const. 1816, art. 4, sec. 25.

³¹ Acts 1816-17, ch. 8, secs. 23, 24; ch. 17, secs. 1-4, 6, 7, 9, 10; ch. 19, secs. 1, 7, 9, 11-16; ch. 25, sec. 1. Acts 1817-18 (general), ch. 42, sec. 14. Acts 1817-18 (special), ch. 17, sec. 1; ch. 36, secs. 2, 3. Rev. Laws 1824, ch. 23, secs. 1, 4, 6; ch. 86, secs. 11, 18, 36. Acts 1825, ch. 9, sec. 1. Rev. Laws 1831, ch. 21, sec. 8. Acts 1835-36 (general), ch. 12, sec. 1. Acts 1836-37 (general), ch. 33, sec. 1. Rev. Stat. 1838, ch. 95, sec. 1. Acts 1840-41 (general), ch. 4, secs. 1, 13-22. *Ham v. State ex rel. Williams* (1844), 7 Blackford 344.

warrants directed to him by legal authority; and to preserve and maintain order in all courts in the county, except those of justices of the peace.³² It is his duty to make arrests on warrants issued on indictments and affidavits and commit the arrested persons to jail or hold them to bail as provided by law; to serve summonses in cases of misdemeanors;³³ and to deputize all bystanders to aid him in protecting persons from being lynched.³⁴ The sheriff calls the petit jury for criminal cases as prescribed by law or directed by the court.³⁵

The sheriff sells property on execution and on mortgage foreclosure proceedings;³⁶ executes deeds to real property sold by him;³⁷ transports persons committed to state charitable, correctional, and penal institutions;³⁸ and attends sessions and executes orders of the county council,³⁹ board of commissioners,⁴⁰ and board of review.⁴¹ He is also a deputy of the sheriff of the Supreme Court of Indiana; and as such he serves process and orders of the Supreme Court of Indiana and the Appellate Court of Indiana, when directed to do so.⁴² He gives public notice of the holding of elections. In the early days of the county he performed various duties concerning elections.⁴³

³² Acts 1816-17, ch. 2, secs. 7, 10; ch. 4, secs. 6, 7, 10, 31; ch. 5, sec. 51; ch. 6, sec. 1; ch. 24, sec. 3; ch. 32, sec. 9. Acts 1824, ch. 100, sec. 10. Acts 1881 (Spec. Sess.); Burns 2-802, 3-522, 3-1910 to 3-1913, 3-2705; Baldwin 83, 791, 1026 to 1029, 1202. Acts 1905; Burns 10-3707; Baldwin 2654. Acts 1903; Burns 35-411; Baldwin 8541. 2 Rev. Stat. 1852; Burns 49-2802, 49-2803; Baldwin 5494, 5495. Acts 1919, 1920 (Spec. Sess.), Burns 64-1201; Baldwin 15700. Acts 1919; Burns 64-1303; Baldwin 15707.

³³ Acts 1905, 1937; Burns, 1939 suppl., 9-1001; Baldwin, 1937 suppl., 2134.

³⁴ Acts 1905; Burns 10-3309, 10-3310; Baldwin 2530, 2531. State *ex rel.* Maxwell v. Dudley (1903), 161 Ind. 431, 68 N. E. 899.

³⁵ Rev. Laws 1824, ch. 56, sec. 3. Acts 1905; Burns 9-1501; Baldwin 2246.

³⁶ 2 Rev. Stat. 1852, ch. 8, sec. 272. Acts 1881 (Spec. Sess.); Burns 2-3601, 3-1819; Baldwin 574, 1014.

³⁷ Acts 1881 (Spec. Sess.); Burns 2-4101; Baldwin 619. Acts 1931; Burns 3-1806; Baldwin 1008.

³⁸ Acts 1905; Burns 9-2232, 22-2013; Baldwin 2339, 4206. Acts 1927; Burns 22-1213; Baldwin 4305. Acts 1911; Burns 22-1716; Baldwin 4230. Acts 1919; Burns 22-1809; Baldwin 4264.

³⁹ Acts 1899; Burns 26-510; Baldwin 5374.

⁴⁰ Acts 1816-17, ch. 15, sec. 6. Rev. Laws 1843, ch. 7, sec. 5. 1 Rev. Stat. 1852; Burns 26-611; Baldwin 5226.

⁴¹ Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

⁴² Acts 1816-17, ch. 1, secs. 1, 9. Rev. Laws 1824, ch. 100, sec. 13. Acts 1891; Burns 4-230; Baldwin 1378. 2 Rev. Stat. 1852; Burns 49-2203; Baldwin 1339. 2 Rev. Stat. 1852, Acts 1889; Burns 49-2204; Baldwin 1340.

⁴³ Acts 1816-17, ch. 9, secs. 1, 15, 16, 19, 22; ch. 12, sec. 5; ch. 14, secs. 2, 6, 8. Acts

The sheriff charges fees provided by law for the services he performs.⁴⁴ He receives weekly reports from poultry dealers and makes any investigations concerning them which he considers necessary.⁴⁵ He grants licenses for the sale of firearms on forms prescribed by the superintendent of the state police.⁴⁶

Whenever the sheriff is unable to attend to his duties, the coroner performs them;⁴⁷ and if both the sheriff and coroner are unable to act, it is then the duty of the circuit court to appoint an elisor who discharges the sheriff's duties until the disability of the sheriff or coroner is removed.⁴⁸

The sheriff keeps a cashbook, a fee book,⁴⁹ a jail record,⁵⁰ a poultry record,⁵¹ and a record of the service of process.⁵² He makes an annual written report, under oath, to the circuit court showing all executions and other process in his hands, what levies he has made, the amount of money collected on each execution, and when service thereof was made, which report is to be entered on the order book of the circuit court.⁵³

SERVICE ON WRITS

161. SHERIFF'S CIVIL DOCKET, 1909-. 4 vols.

Record of writs served in civil and probate causes, showing date and nature of writ, number and nature of cause, names of plaintiff, defendant and witnesses, amount of fee, and

1817-18 (special), ch. 3, secs. 1-3. Rev. Laws 1824, ch. 37, secs. 1, 2. 1 Rev. Stat. 1852, ch. 31, sec. 2. Acts 1889, ch. 67, sec. 15. Acts 1891, ch. 94, sec. 2. Acts 1881 (Spec. Sess.); Burns 29-702, 29-1703; Baldwin 7082, 7248. Demaree v. Johnson (1897), 150 Ind. 419, 49 N. E. 1062.

⁴⁴ Acts 1895, 1905, 1915, 1919; Burns 49-1311; Baldwin 7570. Acts 1932 (Spec. Sess.); Burns 49-1312, 49-1315, 49-1316; Baldwin 7571, 7574. Acts 1919, 1921; Burns 49-1318; Baldwin 13588-1.

⁴⁵ Acts 1917, 1929, 1932 (Spec. Sess.); Burns 42-803(b); Baldwin 10487.

⁴⁶ Acts 1935, 1937; Burns, 1939 suppl., 10-4742; Baldwin, 1937 suppl., 2569-9.

⁴⁷ Acts 1816-17, ch. 13, sec. 9. 2 Rev. Stat. 1852, Acts 1933; Burns 49-2901, 49-2902; Baldwin 5436, 5437.

⁴⁸ 2 Rev. Stat. 1852; Burns 4-322; Baldwin 1411.

⁴⁹ Acts 1891, ch. 194, secs. 124, 125. Acts 1895; Burns 49-1401; Baldwin 7576. Acts 1895, 1903, 1913; Burns 49-1402; Baldwin 7577.

⁵⁰ Rev. Laws 1838, ch. 83, sec. 5. Acts 1909; Burns 13-1007; Baldwin 13459.

⁵¹ Acts 1917, 1929, 1932 (Spec. Sess.); Burns 42-803; Baldwin 10487.

⁵² Record required by the state board of accounts. Acts 1909; Burns 60-202; Baldwin 13855. Interview of May 18, 1939 with E. P. Brennan, state examiner.

⁵³ Acts 1905; Burns 9-1034; Baldwin 2179. 2 Rev. Stat. 1852; Burns 49-2807; Baldwin 5502.

sheriff's return. Arr. chron. by dates of writs. No index. Hdw. 275 pp. 14 x 10 x 2. 1 vol., 1909-14, NE. stor. rm., 3d fl.; 3 vols., 1915-, sher. off.

162. SHERIFF'S STATE DOCKET, 1909-. 2 vols.

Record of writs served in criminal causes, showing dates of writ, service and return, number and nature of cause, names of plaintiff, defendant and witnesses, and amount of fees. Arr. chron. by dates of writs. No index. Hdw. 585 pp. 16 x 14 x 2½. 1 vol., 1909-Feb. 1914, NE. stor. rm., 3d fl.; 1 vol., Mar. 1914-, sher. off.

163. JURY TIME BOOK, 1887-. 7 vols.

Record of persons empanelled for jury service, showing court term, names and addresses of jurors, number of days served and miles travelled, and amount of allowance. Arr. chron. by court terms. No index. Hdw. 125 pp. 10 x 8 x 1. 1 vol., 1887-91, NE. stor. rm., 3d fl.; 6 vols., 1892-, sher. off.

EXECUTIONS ON JUDGMENTS

(See also entries 118-124)

164. SHERIFF'S EXECUTION DOCKET, 1859-. 7 vols.

Record of service on writs for execution of judgments, showing cause number, dates of judgment, service and return, names of plaintiff and defendant, and amounts of judgments and costs. Arr. chron. by dates of service. No index. Hdw. 430 pp. 18 x 12 x 2½. 3 vols., 1859-Sept. 1881, NE. stor. rm., 3d fl.; 4 vols., Oct. 1881-, sher. off.

165. SALE RECORD, 1897-. 3 vols.

Record of real estate sold by sheriff to satisfy judgments, showing dates and amounts of judgment and sale, amounts of interest, fees and costs, names of plaintiff, defendant, owner and purchaser, description and location of property, and date of redemption. Arr. chron. by dates of sales. No index. Hdw. 150 pp. 14 x 10 x 2. 1 vol., 1897-1913, NE. stor. rm., 3d fl.; 2 vols., 1914-, sher. off.

166. COMMITMENTS, 1935-. 1 f. b.

Court orders of commitments on defendants failure to furnish bond, showing date of order, number and nature of cause, name of defendant, and amount of bail. Arr. chron. by dates of orders. No index. Hdw. 5 x 4 x 10. Sher. off.

167. TAX WARRANTS, 1936-. 1 f. b.

Warrants for arrest of individuals delinquent in gross income tax payments, showing date of warrant and delinquency, name and address of individual, and amounts of tax, penalty and interest. Arr. chron. by dates of warrants. No index. Hdw. 5 x 4 x 10. Sher. off.

JAIL RECORDS

168. JAIL REGISTER, 1906-. 5 vols.

Record of prisoners committed to jail, showing date of sentence, commitment and discharge, term of sentence, nature of offense, name, age, color, place of birth and present residence of prisoner, number of days served, and cost of keep. Arr. chron. by dates of commitments. No index. Hdw. 240 pp. 18 x 14 x 2½. Sher. off.

FEE AND CASH RECORDS

169. SHERIFF'S CASH BOOK, 1893-. 3 vols.

Ledger of cash received and disbursed by sheriff, showing dates of receipt and disbursement, names of payee and payer, amount and source of receipt, amount and purpose of disbursement, total receipts and disbursements, and cause, receipt and check numbers. Arr. chron. by dates of receipts and disbursements. No index. Hdw. 200 pp. 18 x 12 x 1½. 1 vol., 1893-1914, NE. stor. rm., 3d fl.; 2 vols., 1915-, sher. off.

170. FOREIGN FEE BOOK, 1916-. 1 vol.

Record of fees collected by sheriff for service of writs issued by courts in other counties, showing dates of issue, service, return and payment, names of plaintiff, defendant and payer, nature of writ, and amount of fee. Arr. chron. by dates of payments. No index. Hdw. 150 pp. 16 x 10 x 1¼. Sher. off.

171. REGISTER OF FEES, 1923-. 2 vols.

Record of fees for service on writs, showing date of writ, number and nature of cause, names of plaintiff, defendant, witnesses and jurors, amount of fee, and sheriff's return. Arr. chron. by dates of writs. No index. Hdw. 250 pp. 16 x 12 x 2. Sher. off.

VII. CORONER

LEGAL STATUS

The coroner of Posey County is a constitutional officer, elected for a two-year term by the voters of the county, without restrictions on re-election. The office was created by the Constitution of 1816 and re-created by the Constitution

of 1851.¹ The coroner is commissioned by the Governor of Indiana,² and holds office until his successor is elected and qualified.³ He must be an elector of the county, and must have been an inhabitant thereof during one year next preceding his election or appointment;⁴ and, while holding the office of coroner, he must reside within the county and must not hold any other lucrative office.⁵ He is required to post bond in an amount between \$1,000 and \$5,000—approved by the board of commissioners and filed with the clerk of the circuit court.⁶ The coroner must take an oath that he will support the state and federal constitutions and will faithfully discharge the duties of his office.⁷

The coroner receives, as compensation for himself, for empanelling and swearing witnesses, and making and returning inquisition for the viewing of each body, \$5 for the first day and \$2.50 for each additional day, plus a mileage allowance of five cents for each mile necessarily travelled in performing his duties. When he performs the duties required of the sheriff, the coroner receives the same compensation allowed to the sheriff. The coroner can employ a clerk, at a rate of pay not exceeding \$2 per day, to take down evidence of any inquisition.⁸

For sufficient legal grounds the coroner may be removed by the circuit court, after trial by jury on an accusation presented by the grand jury or verified by the oath of any person; and such removal is subject to review by the supreme court.⁹ If the coroner is convicted of a felony, the judgment of conviction must declare his office vacant.¹⁰

¹ Const. 1816, art. 4, sec. 25. Const. 1851, art. 6, sec. 2.

² Const. 1816, art. 11, sec. 9. Const. 1851, art. 15, sec. 6. 1 Rev. Stat. 1852; Burns 49-201; Baldwin 13095.

³ Const. 1851, art. 15, sec. 3.

⁴ *Ibid.*, sec. 4.

⁵ *Ibid.*, art. 2, sec. 9; art. 6, sec. 6.

⁶ 1 Rev. Stat. 1852; Burns 49-104, 49-105, 49-120; Baldwin 13057, 13063, 13068. 2 Rev. Stat. 1852, Acts 1933; Burns 49-2901; Baldwin 5436.

⁷ Const. 1851, art. 15, sec. 4. Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054.

⁸ Acts 1875 (Spec. Sess.); Burns 49-2917; Baldwin, 1935 suppl., 5452.

⁹ Const. 1851, art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1897, 1899; Burns 49-821 to 49-833, 49-836; Baldwin 13154 to 13165, 13168. Acts 1875; Burns 49-837; Baldwin 13052.

¹⁰ Acts 1897, 1899; Burns 49-834; Baldwin 13050.

Any vacancy in the office of coroner is filled by appointment by the board of commissioners. The person appointed to fill a vacancy must take oath and post bond, as was required of his predecessor, and holds office for the unexpired term and until his successor is elected and qualified.¹¹

From the organization of the county in 1814 until the adoption of the Constitution of 1816 the coroner was appointed for an indefinite term by the governor of the territory.¹²

There has been no major change in the office of coroner since the early days of the county, other than the abolition of the coroner's jury and the consequent transformation of the inquest from a court hearing in public to a formal nonjudicial inquiry.¹³

FUNCTIONS AND RECORDS

The coroner is required to investigate deaths resulting from violence and other unnatural causes and inquire into the cause and manner of death.¹⁴ He holds inquests without a jury,¹⁵ and may subpoena witnesses and employ a physician or surgeon for post-mortem examinations.¹⁶ If the finding of the inquisition determines that the death was caused by felony, the coroner must order the arrest of any person whom he may charge with such felony,¹⁷ and may require witnesses to give recognizances for their appearance at the trial of the accused.¹⁸ The evidence and verdict at the inquest are in writing, and are filed in the office of the clerk of the cir-

¹¹ Const. 1851, art. 6, sec. 9. Rev. Stat. 1843, ch. 7, sec. 74. Acts 1881 (Spec. Sess.): Burns 29-701; Baldwin 7051. 1 Rev. Stat. 1852; Burns 49-405, 49-408, 49-409; Baldwin 13104, 13106, 13107. Interview of August 29, 1939 with Omer Stokes Jackson, Attorney General of Indiana.

¹² *U. S. Statutes at Large*, 1:51 note. Theodore Calvin Pease, editor, *Laws of Northwest Territory* (1925), 125. Louis B. Ewbank and Dorothy L. Riker, editors, *Laws of Indiana Territory, 1809-1816* (1934), 93. Burns, vol. 1, p. 289. Acts 1807, ch. 8, sec. 1. Acts 1814, ch. 7, sec. 1.

¹³ Acts 1807, ch. 8, secs. 2-10. Acts 1817-18 (general), ch. 20, secs. 1-9. Rev. Laws 1824, ch. 100, secs. 10-22. Rev. Stat. 1838, ch. 99 (1), secs. 1-23; ch. 99 (2) secs. 1-3. Rev. Stat. 1843, ch. 5, sec. 136; ch. 37, sec. 135; ch. 38, secs. 82-84; ch. 56, secs. 1-16. 2 Rev. Stat. 1852, Acts 1871, 1879 (Spec. Sess.), 1935; Burns, 1939 suppl., 49-2904a; Baldwin, 1935 suppl., 5439a. Acts 1879; Burns 49-2905; Baldwin 5444. *Stults v. Board of County Comrs.*, 168 Ind. 539, 81 N. E. 471.

¹⁴ 2 Rev. Stat. 1852, Acts 1871, 1879 (Spec. Sess.), 1935; Burns, 1939 suppl., 49-2904a; Baldwin, 1935 suppl., 5439a.

¹⁵ Acts 1879 (Spec. Sess.); Burns 49-2905; Baldwin 5444.

¹⁶ 2 Rev. Stat. 1852; Burns 49-2906; Baldwin 5440.

¹⁷ 2 Rev. Stat. 1852; Burns 49-2914; Baldwin 5448.

¹⁸ 2 Rev. Stat. 1852; Burns 49-2907; Baldwin 5441.

cuit court, together with all recognizances taken¹⁹ and a written report giving a minute description of the deceased and valuables found with the body. These valuables are turned over to the county treasurer for the common school fund if no person legally authorized to receive them can be found.²⁰ If the coroner is absent from the county or unable to attend an inquest, any justice of the peace of the county may hold the inquest.²¹ The coroner makes a written report each month, to the state department of public safety, showing deaths of persons in his jurisdiction, during the preceding month, resulting from the operation of motor vehicles.²² He is a peace officer with the same powers as the sheriff,²³ and acts as sheriff in event of absence, a vacancy in the office, personal interest, or incapacity of that officer.²⁴ All judicial writs against the sheriff are executed by the coroner. This duty includes the arrest and detention of the sheriff by the coroner.²⁵

The coroner is not required to keep any records permanently.²⁶

172. RECORD OF INQUESTS, 1877-... 3 vols.

Record of inquests in accidental, violent or sudden deaths, showing dates of death and inquests, name, address and description of deceased, names of witnesses, and coroner's verdict. Arr. chron. by dates of inquests. Indexed alph. by names of deceased. Hdw. 295 pp. 18 x 12 x 2½. 1 vol., 1877-1906, attic stor. rm.; 2 vols., 1907-, cor. off.

173. CORONERS' INQUESTS, 1920-. 18 f. b.

Inquests in accidental, violent or sudden deaths, showing same information as in entry 172. Arr. chron. by dates of inquests. No index. Hdw. 5 x 4 x 10. 5 f. b., 1920-35, NE. stor. rm., 3d fl.; 1 f. b., 1936-, clk. off.

¹⁹ *Ibid.* 2 Rev. Stat. 1852, Acts 1879 (Spec. Sess.); Burns 49-2908; Baldwin 5442.

²⁰ 2 Rev. Stat. 1852, Acts 1879 (Spec. Sess.); Burns 49-2909; Baldwin 5443. 2 Rev. Stat. 1852, Acts 1913; Burns 49-2913; Baldwin 5447.

²¹ 2 Rev. Stat. 1852; Burns 49-2915; Baldwin 5449.

²² Acts 1939; Burns, 1939 suppl., 47-1915, 47-1919; Baldwin, 1939 suppl., 11189-54, 11189-58.

²³ 2 Rev. Stat. 1852, Acts 1933; Burns 49-2901; Baldwin 5436.

²⁴ 2 Rev. Stat. 1852; Burns 49-2902; Baldwin 5437.

²⁵ 2 Rev. Stat. 1852; Burns 49-2903; Baldwin 5438.

²⁶ Interview of August 30, 1939 with E. P. Brennan state examiner.

VIII. PROSECUTING ATTORNEY

LEGAL STATUS

The prosecuting attorney is a constitutional officer, elected by the voters of each judicial circuit for a two-year term.¹ Posey County alone constitutes the eleventh judicial circuit.² He is commissioned by the Governor of Indiana,³ and holds office until his successor is elected and qualified.⁴ He must be an elector of the judicial circuit, and must have been an inhabitant thereof during one year next preceding his election or appointment;⁵ and, while holding the office of prosecuting attorney, he must reside within the judicial circuit, and must not hold any other lucrative office.⁶ He must post bond in the amount of \$5,000, approved by the circuit judge and filed with the clerk of the circuit court,⁷ and take an oath that he will support the state and federal constitutions and will faithfully discharge the duties of his office.⁸

The prosecuting attorney of Posey County receives a regular salary of \$1,700 per year payable out of the county treasury.⁹ He is entitled to reimbursement for expenses

¹ Const. 1851, art. 7, sec. 11. Acts 1851-52, ch. 8, sec. 1. 2 Rev. Stat. 1852; Burns 49-2501; Baldwin 5456. Robinson v. Moser (1931), 203 Ind. 66, 179 N. E. 270.

² Acts 1913, ch. 3, sec. 1.

From the organization of Posey County in 1814 until 1913 the county belonged to judicial circuits composed of more than one county. See the essay entitled "Circuit Court."

³ Const. 1816, art. 11, sec. 9. Const. 1851, art. 15, sec. 6. 1 Rev. Stat. 1852; Burns 49-201; Baldwin 13095.

⁴ Const. 1851, art. 15, sec. 3.

⁵ Const. 1816, art. 11, sec. 14. Const. 1851, art. 6, sec. 4.

⁶ Const. 1816, art. 11, secs. 6, 13. Const. 1851, art. 2, sec. 9; art. 6, sec. 6. 2 Rev. Stat. 1852; Burns 49-2501; Baldwin 5456. State *ex rel.* Howard v. Johnston (1885), 101 Ind. 223.

⁷ Rev. Laws 1824, ch. 24, sec. 11. Rev. Laws 1831, ch. 10, sec. 3. Rev. Stat. 1838, ch. 9 (first act), sec. 3. Rev. Stat. 1843, ch. 4, secs. 84-100. Acts 1851-52, ch. 8, sec. 2. 1 Rev. Stat. 1852; Burns 49-104, 49-105, 49-120; Baldwin 13057, 13063, 13068. 2 Rev. Stat. 1852; Burns 49-2502; Baldwin 5458.

⁸ Const. 1816, art. 11, sec. 1. Const. 1851, art. 15, sec. 4. Rev. Laws 1824, ch. 24, sec. 11. Rev. Laws 1831, ch. 10, sec. 3. Rev. Stat. 1838, ch. 9 (first act), sec. 3. Rev. Stat. 1843, ch. 4, secs. 77, 78, 83, 84, 92. Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054.

⁹ Acts 1810, ch. 10, sec. 5. Acts 1813-14, ch. 12, secs. 1, 2. Acts 1814, ch. 3, secs. 4, 5. Rev. Laws 1824, ch. 24, secs. 9, 12. Rev. Laws 1831, ch. 10, sec. 5. Rev. Stat. 1838, ch. 9 (first act), sec. 5. Rev. Stat. 1843, ch. 13, sec. 5. Acts 1858 (Spec. Sess.), ch. 12, sec. 2. Acts 1859, ch. 114, sec. 1. Acts 1861, ch. 41, sec. 133. Acts 1933; Burns 49-2667; Baldwin 7549.

incurred when attending conferences called by the attorney general.¹⁰ He is not permitted to retain, as compensation for himself, any fees collected by him.¹¹

If the prosecuting attorney is convicted of corruption or other high crime, he may, on information in the name of the state, be removed from office by the supreme court.¹² This is the only method by which he may be removed from office.¹³

Any vacancy in the office of prosecuting attorney is filled through appointment by the governor. The appointee must take oath and post bond as was required of his predecessor, and holds office for the unexpired term and until his successor is elected and qualified.¹⁴

The prosecuting attorney may appoint such deputies as may be necessary. Their salaries are paid on warrants drawn by the auditor after an appropriation therefor by the county council and allowance of a claim therefor by the board of commissioners.¹⁵ The deputies must take the oath required of the prosecuting attorney, may perform all his official duties, and are subject to the same regulations and penalties.¹⁶ The prosecuting attorney may remove such deputies at any time and is responsible for their official acts.¹⁷ Whenever the prosecuting attorney is disqualified or fails to attend court the judge must appoint some person to act in his place.¹⁸

¹⁰ Acts 1933, 1937; Burns, 1939 suppl., 49-2601; Baldwin, 1937 suppl., 7547.

¹¹ *Ibid.* *Opinions of the Attorney General of Indiana, 1938*, p. 234.

¹² Const. 1851, art. 7, sec. 12. Acts 1897; Burns 49-819; Baldwin 13152.

¹³ *State ex rel. Gibson v. Friedley* (1893), 135 Ind. 119, 34 N. E. 872; *State v. Patterson* (1914), 181 Ind. 650, 105 N. E. 228; *State v. Redman* (1915), 183 Ind. 332, 109 N. E. 184; *State ex rel. Williams v. Ellis* (1916), 184 Ind. 307, 112 N. E. 98; *State v. Dearth* (1929), 201 Ind. 1, 164 N. E. 489; *State ex rel. Youngblood v. Warrick Circuit Court* (1935), 208 Ind. 594, 196 N. E. 254. Interview of July 29, 1939 with Omer Stokes Jackson, Attorney General of Indiana.

¹⁴ Const. 1851, art. 5, sec. 18; art. 6, sec. 9. Acts 1825-26, ch. 44, sec. 3. Rev. Laws 1831, ch. 10, sec. 4. Rev. Stat. 1838, ch. 9 (first act), sec. 4. Acts 1881 (Spec. Sess.); Burns 29-701; Baldwin 7081. 1 Rev. Stat. 1852; Burns 49-402, 49-404, 49-408, 49-409; Baldwin 13101, 13103, 13106, 13107. *State ex rel. Custer v. Schortemeier* (1929), 197 Ind. 507, 151 N. E. 407. Interview of August 29, 1939 with Omer Stokes Jackson, Attorney General of Indiana.

¹⁵ 1 Rev. Stat. 1852, Acts 1855, 1925; Burns 49-501; Baldwin 13108. Acts 1933, 1937; Burns, 1939 suppl., 49-2601; Baldwin, 1937 suppl., 7547. Acts 1933; Burns 49-2602; Baldwin 7548.

¹⁶ 1 Rev. Stat. 1852; Burns 49-502; Baldwin 13109. *Stout v. State* (1884), 93 Ind. 150.

¹⁷ 1 Rev. Stat. 1852; Burns 49-503; Baldwin 13110. Acts 1933; Burns 49-2602; Baldwin 7548.

¹⁸ Rev. Laws 1824, ch. 24, sec. 12. Acts 1833-34, ch. 92, secs. 1-4. Rev. Stat. 1838, ch. 9 (second act), secs. 1-4. Acts 1851-52, ch. 8, sec. 5. 2 Rev. Stat. 1852; Burns 49-2505; Baldwin 5461. *Perfect v. State* (1926), 197 Ind. 401, 141 N. E. 52; *State ex rel. Williams v. Ellis* (1916), 184 Ind. 307, 112 N. E. 98.

From the organization of Posey County in 1814¹⁹ until 1824 a prosecuting attorney for the county was appointed by the judges of the circuit court, to serve during his good behavior. From 1824 until 1827 a prosecuting attorney for the judicial circuit was appointed for a one-year term by the governor. From 1827 until 1843 he was appointed for a two-year term by joint ballot of the senate and house of representatives. From 1843 until 1847 he was elected for a two-year term by the voters of the judicial circuit. From 1847 until 1851 his term was three years. Since 1851 his term has been two years. The office of prosecuting attorney became a constitutional office when the Constitution of 1851 was adopted.²⁰

Posey County had a court of common pleas from 1853 until 1873. The judicial district of that court was composed of the counties of Gibson and Posey from 1853 until 1859, and the counties of Gibson, Posey, Vanderburgh, and Warrick from 1859 to 1873.²¹ During the existence of the court of common pleas, a district attorney was biennially elected by the voters of the judicial district of that court. The district attorney's duties were similar to those of the prosecuting attorney, except that they extended only to the courts of common pleas and the courts of justices of the peace in the counties forming the judicial district of the court of common pleas.²²

FUNCTIONS AND RECORDS

The prosecuting attorney acts as attorney for the state in criminal cases under the state laws and as attorney for the state and county in certain civil cases.²³

¹⁹ Acts 1814, ch. 7, sec. 1.

²⁰ Const. 1816, art. 12, secs. 3, 4. Const. 1851, art. 7, sec. 11. Acts 1810, ch. 10, sec. 5. Acts 1813-14, ch. 12, secs. 1-5; ch. 29, secs. 1, 2. Acts 1814, ch. 2, secs. 1, 2; ch. 3, secs. 4, 5. Acts 1816-17, ch. 3, sec. 2. Rev. Laws 1824, ch. 24, secs. 9, 10. Acts 1826-27, ch. 17, sec. 1. Rev. Laws 1831, ch. 10, sec. 1. Rev. Stat. 1838, ch. 9 (first act), sec. 1. Rev. Stat. 1843, ch. 4, sec. 28; ch. 58, sec. 1; ch. 59, sec. 21; ch. 73, sec. 1. Acts 1842-43, ch. 15, sec. 1. Acts 1846-47 (general), ch. 13, sec. 1. Acts 1850-51 (general), ch. 132, secs. 1-3. 2 Rev. Stat. 1852; Burns 49-2501; Baldwin 5456. Louis B. Ewbank and Dorothy L. Riker, editors, *Laws of Indiana Territory, 1809-1816* (1934), 65, 66.

²¹ See the essay entitled "Circuit Court."

²² Acts 1851-52, ch. 8. 2 Rev. Stat. 1852, pt. 3, ch. 3. Acts 1861 (Spec. Sess.), ch. 25; ch. 28, sec. 1. Acts 1873, ch. 29, sec. 79.

²³ Acts 1817-18 (general), ch. 4, sec. 2. Rev. Laws 1824, ch. 24, sec. 10. Rev. Laws 1831, ch. 10, sec. 2. Rev. Stat. 1838 (first act), ch. 9, sec. 2. Rev. Stat. 1843, ch. 37, sec. 101.

Investigations of alleged violations of criminal laws are conducted by the prosecuting attorney,²⁴ the sheriff,²⁵ or the coroner,²⁶ co-operating with one another and with state and federal bureaus of law enforcement;²⁷ and the results of such investigations, if they point toward violations of the law, are presented to the grand jury by the prosecuting attorney.²⁸

The prosecuting attorney or his deputy may appear before the grand jury for the purpose of interrogating witnesses or giving information relative to any matter cognizable by it or giving requested advice on any legal matter, but he cannot be present during the deliberations of the grand jury.²⁹ When an indictment is found by the grand jury, the foreman writes thereon the words "A true bill", and signs his name thereunder. The indictment is also signed by the prosecuting attorney.³⁰

The prosecuting attorney conducts all prosecutions for felonies and misdemeanors charged in indictments returned by the grand jury.³¹ He may also prosecute on affidavit all criminal offenses under the state laws, other than treason and murder.³²

It is the duty of the prosecuting attorney to superintend, on behalf of the county, all civil actions and proceedings in

Acts 1851-52, ch. 8, secs. 1, 3, 4. Acts 1905; Burns 4-2409; Baldwin 11595. 2 Rev. Stat. 1852; Burns 49-2501, 49-2503, 49-2504; Baldwin 5456, 5459, 5460. Acts 1932 (Spec. Sess.); Burns 64-1511; Baldwin 15754.

²⁴ 2 Rev. Stat. 1852; Burns 49-2503; Baldwin 5459.

²⁵ 2 Rev. Stat. 1852; Burns 49-2602; Baldwin 5494.

²⁶ 2 Rev. Stat. 1852, Acts 1871, 1879 (Spec. Sess.), 1935; Burns, 1939 suppl., 49-2904; Baldwin, 1935 suppl., 5439.

²⁷ Acts 1927; Burns 9-2603 to 9-2610; Baldwin 15353 to 15355, 15357 to 15361.

²⁸ Acts 1905, 1927; Burns 9-806, 9-901, 9-908; Baldwin 2102, 2123, 2131.

²⁹ Acts 1905; Burns 9-826; Baldwin 2122. Williams v. State (1919), 188 Ind. 283, 123 N. E. 209.

³⁰ Acts 1905; Burns 9-901; Baldwin 2123.

Endorsement by prosecuting attorney. Taylor v. State (1888), 113 Ind. 471, 16 N. E. 183; Robinson v. State (1912), 177 Ind. 263, 97 N. E. 929; Hamer v. State (1928), 200 Ind. 403, 163 N. E. 91.

³¹ Rev. Laws 1824, ch. 24, sec. 10. Rev. Laws 1831, ch. 10, sec. 2. Rev. Stat. 1838 (first act), ch. 2, sec. 2. Acts 1851-52, ch. 8, sec. 4. 2 Rev. Stat. 1852; Burns 49-2504; Baldwin 5460.

³² Acts 1905, 1927; Burns 9-908; Baldwin 2131.

Endorsement by prosecuting attorney. Robinson v. State (1912), 177 Ind. 263, 97 N. E.

which the county may be interested or involved,³³ including suits to collect taxes³⁴ or to recover tax penalties and forfeitures³⁵ and suits against officers or on their bonds.³⁶

The prosecuting attorney prosecutes suits on forfeited recognizances,³⁷ suits to recover costs of cutting hedge fences when the work was done by public officials,³⁸ suits against railroad companies to recover penalties for not graveling highway crossings,³⁹ suits to recover gambling losses,⁴⁰ and suits to enjoin violation of laws concerning horse racing.⁴¹ He acts for the state when a surety on a forfeited recognizance sues the principal on the theory of subrogation of the rights of the state.⁴² He prosecutes bastardy proceedings,⁴³ quo

³³ Acts 1816-17 (general), ch. 32, sec. 9; ch. 72, sec. 5. Rev. Laws 1824, ch. 24, sec. 10. Rev. Laws 1831, ch. 90, secs. 21, 27. Rev. Stat. 1843, ch. 13, sec. 233; ch. 14, sec. 35; ch. 15, sec. 123. Acts 1851-52, ch. 8, sec. 4. 2 Rev. Stat. 1852; Burns 49-2504; Baldwin 5460. Board of County Comrs. v. Templer (1870), 34 Ind. 322.

³⁴ Rev. Laws 1824, ch. 36, secs. 23, 43. Acts 1931; Burns 6-2415; Baldwin 15953. Acts 1935, 1937; Burns, 1939 suppl., 12-912; Baldwin, 1937 suppl., 3764-41. Acts 1937; Burns, 1939 suppl., 16-320; Baldwin, 1937 suppl., 3311-4. Acts 1919; Burns 64-719, 64-1518, 64-1519; Baldwin 15633, 15772, 15773. Acts 1932 (Spec. Sess.); Burns 64-1511; Baldwin 15754. Acts 1933, 1937; Burns, 1939 suppl., 64-2628; Baldwin, 1937 suppl., 16009. Board of County Comrs. v. Templer (1870), 34 Ind. 322; LaPlante v. State *ex rel.* Goodman (1899), 152 Ind. 30, 52 N. E. 452.

³⁵ Acts 1919; Burns 64-608, 64-1319, 64-2208; Baldwin 15376, 15723, 15315. Acts 1933, 1937; Burns, 1939 suppl., 64-2627, 64-2628; Baldwin, 1937 suppl., 16007, 16009.

³⁶ Acts 1813, ch. 8, sec. 24. Acts 1816-17, ch. 8, sec. 22; ch. 17, sec. 13; ch. 19, secs. 14, 15. Acts 1817-18 (general), ch. 42, secs. 19, 21, 22; ch. 43, sec. 21; ch. 44, sec. 13. Acts 1818-19, ch. 8, sec. 2. Acts 1819-20, ch. 46, sec. 2. Rev. Laws 1824, ch. 23, sec. 8; ch. 24, sec. 10; ch. 56, sec. 4; ch. 86, secs. 21, 23. Acts 1825, ch. 21, sec. 4. Rev. Laws 1831, ch. 10, sec. 2; ch. 81, sec. 46. Acts 1834-35 (general), ch. 18. Rev. Stat. 1838, ch. 9 (first act), sec. 2. 1 Rev. Stat. 1852; Burns 44-204; Baldwin 5635. Acts 1863; Burns 49-142; Baldwin 13034. Acts 1895; Burns 49-1408; Baldwin 7583. Acts 1917; Burns 60-227; Baldwin 13873. Acts 1919; Burns 61-2507, 64-2508; Baldwin 15856, 15857. Wood v. State *ex rel.* Canady (1890), 125 Ind. 219, 25 N. E. 190; Wood v. Board of County Comrs. (1890), 125 Ind. 270, 25 N. E. 188.

³⁷ Acts 1816-17, ch. 5, sec. 1. Acts 1817-18 (general), ch. 4, sec. 1. Acts 1851-52, ch. 8, sec. 4. 2 Rev. Stat. 1852; Burns 49-2504; Baldwin 5460. State v. Schloss (1883), 92 Ind. 293.

³⁸ Acts 1891; Burns 30-303; Baldwin, 1935 suppl., 7648-1. Acts 1895; Burns 30-307; Baldwin 7649.

³⁹ Acts 1895; Burns 55-620; Baldwin 14119.

⁴⁰ 1 Rev. Stat. 1852; Burns 10-2323; Baldwin 2806. Ervin v. State *ex rel.* Walley (1897), 150 Ind. 332, 43 N. E. 249.

⁴¹ Acts 1895; Burns 10-2711; Baldwin 9273.

⁴² Acts 1905; Burns 9-1045; Baldwin 2178.

⁴³ 2 Rev. Stat. 1852; Burns 3-622; Baldwin 867.

warranto proceedings,⁴⁴ and cases of surety of the peace.⁴⁵ He resists undefended divorce suits⁴⁶ and applications for change of names of persons; and protects the interests of all persons of unsound mind.⁴⁷ In lunacy proceedings he represents the person alleged to be insane.⁴⁸ He must be present at the hearing of proceedings to commit any person to any hospital operated by the trustees of Indiana University.⁴⁹ On appeals from the medical examination board in license matters he represents that board.⁵⁰

The Attorney General of Indiana holds conferences with all prosecuting attorneys concerning traffic problems.⁵¹

The prosecuting attorney administers oaths⁵² and performs the duties of notaries public.⁵³ He collects docket fees for his services in criminal prosecutions, divorce cases, suits on forfeited recognizances, and other suits which he is required to prosecute or defend, and pays such fees over to the county treasurer.⁵⁴ He cannot represent applicants for liquor licenses.⁵⁵

The prosecuting attorney makes monthly reports to the board of commissioners concerning his activities and the amount of fees collected by him and turned over to the treas-

⁴⁴ Acts 1819-20, ch. 74, sec. 3. Rev. Stat. 1843, ch. 48, secs. 46, 58. 2 Rev. Stat. 1852, pt. 2, ch. 1, secs. 749, 750. Acts 1881 (Spec. Sess.), 1929; Burns 3-2001, 3-2002; Baldwin 1045, 1046. Acts 1897; Burns 49-821 to 49-823, 49-831; Baldwin 13154 to 13156, 13164.

⁴⁵ Acts 1905; Burns 9-511; Baldwin 2059. Davis v. State (1894), 38 Ind. 11, 37, N. E. 397.

⁴⁶ Acts 1817-18 (general), ch. 35, secs. 3. Rev. Laws 1831, sec. 9. Rev. Stat. 1838, ch. 31, sec. 8. Rev. Stat. 1843, ch. 35, sec. 69. Acts 1873, 1913; Burns 3-1212 to 3-1215; Baldwin 916 to 919. State v. Brinneman (1889), 120 Ind. 357, 22 N. E. 332. Scott v. Scott (1861), 17 Ind. 309.

⁴⁷ Acts 1851-52, ch. 8, sec. 4. 2 Rev. Stat. 1852; Burns 49-2504; Baldwin 5460. Martin v. Matsinger (1891), 130 Ind. 555, 30 N. E. 523.

⁴⁸ 2 Rev. Stat. 1852, Acts 1895; Burns 8-202; Baldwin 3460. Chase v. Chase (1904), 163 Ind. 178, 71 N. E. 485. Martin v. Matsinger (1891), 130 Ind. 555, 30 N. E. 523.

⁴⁹ Acts 1939; Burns, 1939 suppl., 28-5416, 28-5417; Baldwin, 1939 suppl., 14078-89b, 14078-89c.

⁵⁰ Acts 1897, 1899, 1901; Burns 63-1306; Baldwin 10707.

⁵¹ Acts 1931, 1933, 1937; Burns, 1939 suppl., 49-2601; Baldwin, 1937 suppl., 7547.

⁵² Acts 1901; Burns 49-2506; Baldwin 5462. Lenciania v. State (1929), 200 Ind. 528, 164 N. E. 271.

⁵³ Acts 1919; Burns 49-2507 to 49-2510; Baldwin 5463 to 5466.

⁵⁴ Rev. Laws 1824, ch. 24, sec. 13; ch. 26, secs. 22, 24. Acts 1825-26, ch. 44, sec. 4. Acts 1861 (Spec. Sess.); ch. 25, sec. 4; ch. 28, sec. 1. Acts 1873, ch. 48, sec. 16. Acts 1875 (Spec. Sess.); Burns 49-2511; Baldwin 5468. Acts 1933, 1937; Burns 1939 suppl., 49-2601; Baldwin, 1937 suppl., 7547. *Opinions of the Attorney General of Indiana, 1938*, p. 238.

⁵⁵ Acts 1901, 1913; Burns 49-2513; Baldwin 5467.

urer.⁵⁶ The state board of accounts prescribes the forms for an appearance record, fee book, and cashbook, to be kept by the prosecuting attorney, and a monthly report to be made by him.⁵⁷

174. [PROSECUTOR'S DOCKET], 1908-. 1 vol.

Record of criminal prosecutions, showing cause number, names of defendant, attorneys and judge, nature of action, amount of fees, and disposition. Arr. chron. by dates of actions. No index. Hdw. 295 pp. 18 x 14 x 3. Clk. off.

IX. COUNTY ASSESSOR

LEGAL STATUS

The assessor of Posey County is a statutory officer, elected for a four-year term by the voters of the county. He receives a certificate of election from the clerk of the circuit court and is not commissioned by the governor. He holds office until his successor has been elected and qualified. He must be an elector of the county, and have been a continuous resident freeholder of the county for at least four years before the date of his election; and, while holding the office of assessor, he must reside within the county and must not hold any other lucrative office. He must post bond in the amount of \$5,000, approved by and filed with the auditor,¹ and take an oath that he will support the state and federal constitutions and will faithfully discharge the duties of his office.² The office of county assessor was established in its present form by an act of 1919.³

The assessor receives a salary of \$1,000 per year, plus \$2.50 for each day spent in conference with the state board

⁵⁶ Acts 1933, 1937; Burns, 1939 suppl., 49-2601; Baldwin, 1937 suppl., 7547. Acts 1933; Burns 49-2695; Baldwin 7550.

⁵⁷ Acts 1909; Burns 60-202; Baldwin 13855. Interview of May 18, 1939 with E. P. Brennan, state examiner.

¹ Const. 1851, art. 2, sec. 9; art. 6, secs. 4, 6; art. 15, secs. 3, 6. Acts 1817-18 (general), ch. 42, sec. 3. 1 Rev. Stat. 1852; Burns 49-201, 49-202; Baldwin 13095, 13096. Acts 1919, 1921; Burns 64-1101; Baldwin 15696.

² Const. 1816, art. 11, sec. 1. Const. 1851, art. 15, sec. 4. Acts 1816-17, ch. 19, sec. 1. Acts 1817-18 (general), ch. 42, sec. 3. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054. Acts 1919, 1921; Burns 64-1101; Baldwin 15696.

³ Acts 1919, 1921; Burns 64-1101 to 64-1103; Baldwin 15696, 15698, 15699.

of tax commissioners, together with actual railroad fare to and from the place of holding such conferences.⁴ For his services as appraiser of decedents' estates, the circuit court allows him compensation between \$1 and \$50 for each estate appraised, based on the value thereof.⁵ He is entitled to reimbursement for expenses when temporarily working outside Posey County under direction of the board of commissioners.⁶ He is not permitted to retain, as compensation for himself, any fees collected by him, other than as stated above.⁷

For sufficient legal grounds the assessor may be removed by the circuit court, after trial by jury on an accusation presented by the grand jury or verified by oath of any person; and such removal is subject to review by the supreme court.⁸ If the assessor is convicted of a felony, the judgment of conviction must declare his office vacant.⁹ For incompetency, neglect of duty, or misconduct in office, the assessor may be removed by the state board of tax commissioners after a hearing by that board. After such removal the assessor may appeal to the circuit court, and have a trial *de novo* on the charges on which he was removed.¹⁰

Any vacancy in the office of assessor is filled through appointment by the board of commissioners. At the next biennial general election (held on the first Tuesday after the first Monday in November in the even-numbered years), an assessor is elected for the remainder of the term in which the vacancy occurred. The person appointed or elected to fill a vacancy must take oath and post bond, as was required of his predecessor; and he holds office until his successor is elected and qualified.¹¹

⁴ Acts 1817-18 (general), ch. 42, sec. 23. Acts 1933; Burns 49-1004, 49-1011; Baldwin 7534, 7541. Acts 1919; Burns 64-1103; Baldwin 15698.

⁵ Acts 1931, 1933, 1939; Burns, 1939 suppl., 6-2408; Baldwin, 1939 suppl., 15946.

⁶ Acts 1919, 1921; Burns 64-1101; Baldwin 15696.

⁷ Acts 1933; Burns 49-1005; Baldwin 7535.

⁸ Const. 1851, art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1897, 1899; Burns 49-821 to 49-834, 49-836; Baldwin 13154 to 13166, 13050, 13168. Acts 1875; Burns 49-837; Baldwin 13052.

⁹ Acts 1897, 1899; Burns 49-834; Baldwin 13050.

¹⁰ Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397. Acts 1919, 1921; Burns 64-1101; Baldwin 15696.

¹¹ Const. 1851, art. 6, sec. 9. Rev. Stat. 1843, ch. 7, sec. 61. Acts 1881 (Spec. Sess.); Burns 29-701; Baldwin 7081. 1 Rev. Stat. 1852, Burns 49-405, 49-408, 49-409; Baldwin 13104, 13106, 13107. Acts 1919, 1921; Burns 64-1101; Baldwin 15696. *Douglass v. State ex rel. Wright* (1869), 31 Ind. 429. Interview of July 11, 1939 with Omer Stokes Jackson, Attorney General of Indiana.

Subject to the approval of the board of commissioners, the assessor may appoint one or more deputies to serve no more than 30 days in any calendar year. The deputies each receive \$4 per day as compensation. They have the same qualifications, powers, and duties as the assessor, are subject to his control and direction, and must take the oath of office required of the assessor.¹² With the approval of the board of commissioners, the assessor may also employ clerical assistants who shall each receive compensation not exceeding \$5 per day, pursuant to appropriation by the county council.¹³

From the organization of the county in 1814¹⁴ until 1841 assessors (often called listers) were appointed annually by the court or board doing county business, to list all property subject to taxation and to determine the value thereof (where the tax was based on value).¹⁵ Under acts of 1824 and 1831 any person refusing to accept his appointment as assessor was subject to a penalty of \$25.¹⁶ An act of February 10, 1841 provided for the election of a county assessor in each county for a two-year term.¹⁷ The office of county assessor was abolished in 1852, and the duties thereof were transferred to township assessors elected for two-year terms.¹⁸ From 1841 to 1872 real property was assessed by appraisers appointed, from time to time as needed, by the board doing county business.¹⁹ The elective office of county assessors (two-year term) replaced that of appraiser in 1872;²⁰ but in 1875 the office was abolished, and the duties were transferred to township assessors elected for two-year terms.²¹ An act of March 6, 1891 re-established the office of county assessor. Under this law the assessor was elected for a four-year term, and

¹² 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054. Acts 1919; Burns 64-1102; Baldwin 15693.

¹³ Acts 1933; Burns 49-1011; Baldwin 7541.

¹⁴ Acts 1814, ch. 7, sec. 1.

¹⁵ Acts 1807, ch. 51, sec. 11; ch. 92, sec. 1. Acts 1811, ch. 35, secs. 1, 17. Acts 1813-14, ch. 32, secs. 1-3. Acts 1816-17, ch. 19, secs. 1-6, 8, 16. Acts 1817-18 (special), ch. 36, sec. 3. Acts 1817-18 (general), ch. 42, sec. 1. Rev. Laws 1824, ch. 15, sec. 7; ch. 86, secs. 5-7. Rev. Laws 1831, ch. 81, secs. 3-5. Rev. Stat. 1838, ch. 21, sec. 12.

¹⁶ Rev. Laws 1824, ch. 86, sec. 29. Rev. Laws 1831, ch. 81, sec. 4.

¹⁷ Acts 1840-41 (general), ch. 3, sec. 1.

¹⁸ 1 Rev. Stat. 1852, ch. 6, sec. 64; ch. 92, sec. 1.

¹⁹ Acts 1840-41 (general), ch. 1, secs. 1-12, 20. Acts 1850-51 (general), ch. 5, sec. 1.

1 Rev. Stat. 1852, ch. 6, secs. 44, 45. Acts 1858 (Spec. Sess.), ch. 2, sec. 1.

²⁰ Acts 1872 (Spec. Sess.), ch. 37, secs. 107, 276.

²¹ Acts 1875, ch. 97, secs. 2, 7, 9.

was not eligible for re-election until four years after the expiration of the term for which he was elected. He was required to be a resident freeholder and householder of the county not less than five years before the date of his election.²² In 1933 the office of township assessor was abolished in each township having a population not exceeding 5,000 (all townships except Black), and the duties of the office were transferred to the township trustee.²³ Reference hereinafter to township assessors includes township trustees performing the duties prescribed by statutes for township assessors.

FUNCTIONS AND RECORDS

The duties of the county assessor are to examine tax duplicates and other records and papers in the offices of the auditor, treasurer, recorder, clerk, sheriff, and surveyor, together with the returns of the township assessors; to discover, list, and assess all omitted property of every kind, entering his valuations in a separate column on the township assessors' books; to advise and instruct the township assessors; to report to the state board of tax commissioners any incompetency or neglect of duty on the part of township assessors;²⁴ and determine the value of taxable intangibles.²⁵ Under appointments by the circuit court, he serves as appraiser of estates in the administration of the inheritance tax law.²⁶ He appraises school property in accordance with laws concerning transfer of pupils from one school to another.²⁷ He is ex officio member and president of the county board of review.²⁸ His work is under the direction of the state board of tax commissioners.²⁹ Formerly the county assessor made out the assessment rolls (now made by the auditor),³⁰ took a census of deaf mutes in the county (now done by township

²² Acts 1891, ch. 99, sec. 112.

²³ Acts 1933; Burns 64-1031; Baldwin 15664.

²⁴ Acts 1919; Burns 64-1102; Baldwin 15698. *McConnell v. Hampton* (1905), 164 Ind. 547,

73 N. E. 1092.

²⁵ Acts 1933, 1935; Burns, 1939 suppl., 64-905; Baldwin, 1935 suppl., 15903.

²⁶ Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397. Acts 1931, 1933, 1939; Burns, 1939 suppl., 6-2408; Baldwin, 1939 suppl., 15946.

²⁷ Acts 1901, 1909, 1915, 1921; Burns 28-3704; Baldwin 6288.

²⁸ Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

²⁹ Acts 1919, 1921; Burns 64-1101; Baldwin 15696.

³⁰ Rev. Laws 1824, ch. 86, secs. 4, 5, 7. Acts 1838-39 (general), ch. 14, secs. 14, 15. Rev. Stat. 1843, ch. 12, sec. 28. Acts 1919; Burns 64-1403, 64-1408; Baldwin 15740, 15745.

assessors),³¹ and kept a book showing the names of all blind, dumb, deaf, or insane persons in the county.³²

Assessments by the county assessor under the property tax laws are subject to review by the county board of review. Such assessments are also reviewable by the circuit court on the question of taxability of the property.³³

The assessor must return to the auditor, on or before the first Monday after July 4 each year, all township assessors' books, returns, lists, schedules, maps, and other papers received by him from the auditor, together with such additional lists, assessments, books, and papers as he has made thereto.³⁴ He is not required to keep any records permanently.³⁵

175. INHERITANCE TAX PAPERS, 1933-. 2 f. b.

Schedules of all property and affidavits of executors or administrators, trustees or heirs for inheritance tax appraisements, showing dates of schedule, decedents death, will admitted to probate and letters of administration granted, names of decedent and affiant, location, description and assessed valuation of real property, par and market valuation of all intangibles, market valuation of chattels, interest in business or co-partnerships, trusts and all other property, recapitulation of all taxables, itemized list of claims, debts and expenses, and amount of deduction claimed. Arr. chron. by dates of schedules. No index. Hdw. 5 x 4 x 10. Assr. off.

For other inheritance tax records, see entries 154, 188, 189.

176. VALUATION OF TAXABLE INTANGIBLES, 1933-. 1 f. d.

Applications for determining valuation of taxable intangibles, showing date of application, name of applicant, description of stocks, bonds, mortgages and other intangibles, face value, valuation by applicant, county assessor and state tax board, and computation of tax. Arr. chron. by dates of applications. No index. Hdw. 7 x 5 x 12. Recr. off.

³¹ Acts 1838-39 (general), ch. 41, sec. 1. Acts 1849-50 (general), ch. 17, sec. 4. Acts 1859, ch. 7, secs. 1, 2. Acts 1891, ch. 99, sec. 54. Acts 1919; Burns 64-697; Baldwin 15575.

³² Acts 1849-50 (general), ch. 17, secs. 2, 3.

³³ Acts 1919, 1920 (Spec. Sess.); Burns 64-1201, 64-1205; Baldwin 15700, 15704. Acts 1919, 1927; Burns 64-2103; Baldwin 15804. This statement of the limitation of the scope of the appeal was suggested by Philip Zoercher, chairman of the state board of tax commissioners.

³⁴ Acts 1919; Burns 64-1102; Baldwin 15698.

³⁵ Interview of May 18, 1939 with E. P. Brennan, state examiner.

X. COUNTY BOARD OF REVIEW

LEGAL STATUS

The board of review of Posey County exists under the mandatory provisions of an act of 1919. The board is composed of the county assessor, auditor, and treasurer, and two freeholders of opposite political parties, appointed annually by the judge of the circuit court.¹ Each member must be an elector of the county, must have been an inhabitant thereof during one year next preceding his appointment, must reside within the county while holding this office,² and must take an oath that he will support the state and federal constitutions and will faithfully discharge his duties as a member of the board of review and will assess, review, and equalize the assessment of all property of the county according to the true cash value of such property.³ The assessor and auditor are, respectively, the president and secretary of the county board of review.⁴

The appointed members of the county board of review receive, as compensation, \$5 for each day actually served as members of the board. Allowance therefor is made by the board of commissioners on claims supported by the certificate of the assessor. The assessor, auditor, and treasurer receive no compensation, in addition to their regular salaries, for their services on the board of review. Before 1933 the auditor and treasurer received, in addition to their regular salaries, \$5 per day for each day actually served as members of the board.⁵

For sufficient legal grounds any member of the county board of review may be removed by the circuit court, after trial by jury on an accusation presented by the grand jury or verified by the oath of any person; and such removal is subject to review by the supreme court.⁶ If any member is convicted of a felony the judgment of conviction must declare

¹ Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

² Const. 1851, art. 6, sec. 4, 6.

³ *Ibid.*, art. 15, sec. 4. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054. Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

⁴ Acts 1919, 1920 (Spec. Sess.), Burns 64-1201; Baldwin 15700.

⁵ Acts 1933; Burns 49-1001, 49-1004; Baldwin 7531, 7534. Acts 1919, 1920 (Spec. Sess.), Burns 64-1201, 64-1204; Baldwin 15700, 15703. *Opinions of the Attorney General of Indiana, 1934*, p. 313; 1936, p. 130.

⁶ Const. 1851, art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1897, 1899; Burns 49-821 to 49-834, 49-836; Baldwin 13154 to 13166, 13050, 13168. Acts 1875; Burns 49-837; Baldwin 13052.

his office vacant.⁷ The judge of the circuit court fills vacancies as to members appointed by him.⁸ Any vacancy in the office of the other members is filled by replacement in the office of county assessor, auditor, or treasurer, as the case may be, the membership in the board of review being an incident to such office.⁹

Before 1919 duties analogous to those of the present board of review were performed by the following officers and boards: From the organization of the county in 1814¹⁰ to 1817, associate judges of the circuit court;¹¹ 1817 to 1823, board of commissioners;¹² 1824 to 1838, clerk of the circuit court and assessors or listers;¹³ 1839, 1840, board of commissioners, clerk of the circuit court, and assessors or listers;¹⁴ 1841, board of commissioners, county assessor, and auditor (personal property only); 1841, board of equalization, composed of the board of commissioners, auditor, and appraiser (real estate only);¹⁵ 1842 to 1852, board of equalization, consisting of the board of commissioners, county assessor, and auditor;¹⁶ 1853 to 1871, board of equalization, composed of the board of commissioners, auditor, and assessors (personal property only);¹⁷ 1853 to 1871, board of equalization, made up of the board of commissioners, auditor, and appraiser or appraisers (real estate only);¹⁸ 1872 to 1880, board of equalization, including the board of commissioners, county assessor, and auditor;¹⁹ 1881 to 1890, board of equalization, consisting of board of commissioners and four freeholders (from different

⁷ Acts 1897-1899; Burns 49-834; Baldwin 13050.

⁸ Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

⁹ See the essays entitled "Auditor", "County Assessor", and "Treasurer."

¹⁰ Acts 1814, ch. 7, sec. 1.

¹¹ Const. 1816, art. 12, sec. 4. Acts 1813, ch. 8, secs. 2, 6, 12. Acts 1813-14, ch. 29, secs.

1-3. Acts 1814, ch. 2, secs. 1, 2; ch. 13, sec. 3.

¹² Acts 1816-17, ch. 19, sec. 7. Acts 1817-18 (general), ch. 42, sec. 12.

¹³ Rev. Laws 1824, ch. 86, sec. 7. Acts 1825, ch. 47, sec. 3. Rev. Laws 1831, ch. 81, secs.

5, 7, 8.

¹⁴ Acts 1833-39 (general), ch. 14, secs. 5, 14, 15.

¹⁵ *Ibid.* Acts 1840-41 (general), ch. 1, secs. 9, 13.

¹⁶ Acts 1840-41 (general), ch. 1, sec. 18.

¹⁷ 1 Rev. Stat. 1852, ch. 6, sec. 91.

The Revised Statutes of 1852 became effective on May 6, 1853. Jones v. Cavins (1853), 4 Ind. 305.

¹⁸ 1 Rev. Stat. 1852, ch. 35, sec. 2. Jones v. Cavins (1853), 4 Ind. 305.

¹⁹ Acts 1872 (Spec. Sess.), ch. 37, secs. 150, 277, 278.

parts of the county) appointed by the circuit judge;²⁰ 1891 to 1894, board of review, whose members were the county assessor, auditor, and treasurer;²¹ and 1895 to 1918, as at present, a board of review, composed of the county assessor, auditor, treasurer, and two freeholders appointed by the circuit judge.²²

In townships having a population not exceeding 5,000 (all townships except Black), the office of township assessor has been abolished, and the duties of such office are performed by the township trustee. Reference hereinafter to the township assessor includes the township trustee performing the duties prescribed by statutes for township assessors.²³

FUNCTIONS AND RECORDS

The county board of review hears complaints of taxpayers concerning assessments (except assessments made by the state board of tax commissioners), reviews and corrects such assessments, equalizes property valuations, and makes assessments of omitted property. The tax list prepared by the county assessor and township assessors stands except in the particulars where it is changed by the board. The board has power to set aside the assessments for the whole county or a whole taxing unit therein and to order a new assessment by the county assessor and township assessors under instructions from the board.²⁴ The action of the board is subject to review by the state board of tax commissioners.²⁵ On questions of law concerning valuation of property, the decisions of the board of review and of the state board of tax commissioners may be reviewed by the circuit court; and appeal (on law and facts) may be taken from the board of review to the circuit court on the question of the property's taxability.²⁶

The board of review holds an annual meeting on the first

²⁰ Acts 1881 (Spec. Sess.), ch. 96, sec. 129.

²¹ Acts 1891, ch. 99, sec. 114.

²² Acts 1895, ch. 36, sec. 2.

²³ Acts 1933; Burns 64-1031; Baldwin 15664.

²⁴ Acts 1919, 1920 (Spec. Sess.); Burns 64-1201, 64-1205; Baldwin 15700, 15704.

²⁵ Acts 1919, 1935; Burns, 1939 suppl., 64-1321; Baldwin, 1935 suppl., 15725. State board of tax commissioners, tax rule 6.

²⁶ Acts 1927; Burns 64-1020; Baldwin 15686. Acts 1919, 1927; Burns 64-2103; Baldwin 15804.

This statement of the scope of the appeal was suggested by Philip Zoercher, chairman of the state board of tax commissioners.

Monday in June;²⁷ and the session can last 38 days in any year in which real estate is assessed, and 28 days in other years.²⁸ A majority of all the members of the board constitutes a quorum for the transaction of business, and such majority must concur in decisions of the board. The sheriff serves all of the board's process not served by the assessor, and obeys all orders of the board. The auditor, as secretary, is required to keep full and accurate minutes of the proceedings of the board.²⁹ The county assessor, as president keeps an attendance record; and, at the close of the session, certifies to the board of commissioners the number of days actually served by each member.³⁰

177. RECORD OF BOARD OF REVIEW, 1891-. 1 vol.

Minutes of meetings of board of review, showing date of meeting, names of members present, business discussed, and action taken. Arr. chron. by dates of meetings. No index. Hdw. 315 pp. 18 x 12 x 3. Aud. off.

XI. COUNTY BOARD OF TAX ADJUSTMENT

LEGAL STATUS

The board of tax adjustment of Posey County exists under the mandatory provisions of an act of 1937. The board consists of seven members, chosen as follows: One member of the county council, selected by the council; the mayor of the city of Mount Vernon or any public official of the city appointed by him; one member of the board of school trustees of the city of Mount Vernon, selected by that board; and four persons who are citizens and freeholders of the county, appointed before April 15 each year by the judge of the circuit court, to hold office until April 15 of the following year. No more than four of the seven members of the board of tax adjustment may be members of the same political party. Each member must be an elector of the county, must have been an inhabitant thereof during one year next preceding his appointment, must reside within the county while holding his office,

²⁷ Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

²⁸ Acts 1919; Burns 64-1205; Baldwin 15704.

²⁹ Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

³⁰ Acts 1919; Burns 64-1204; Baldwin 15703.

and must take an oath to support the state and federal constitutions and faithfully discharge the duties of his office.¹

The county board of tax adjustment elects a chairman and a vice-chairman from among its members; and the auditor acts as clerk, but has no vote in its proceedings. The members of the board serve without compensation. The board may employ one of the examiners of the state board of accounts to assist in the duties of the county board of tax adjustment; and the auditor pays from county funds the expenses in connection with such employment.²

For sufficient legal grounds any member of the county board of tax adjustment may be removed by the circuit court, after trial by jury on an accusation presented by the grand jury or verified by the oath of any person; and such removal is subject to review by the supreme court.³ If any member is convicted of a felony the judgment of conviction must declare his office vacant.⁴ A vacancy in the office of any member is filled in the manner provided by law for filling such office originally.⁵

Before 1932 no county officer or board performed duties analogous to those of the county board of tax adjustment, except that in 1920 the county's tax levies were reviewable by the county council.⁶ Since 1919, with the exception of 1920, the budgets, tax levies, and tax rates of the county and the taxing units therein have been reviewable directly by the state board of tax commissioners in certain instances.⁷ Before 1919 the sole remedy of a taxpayer to obtain a review of such budgets, tax levies, or tax rates was to apply to a court for an injunction.⁸

¹ Const. 1851, art. 6, secs. 4, 6; art. 15, sec. 4. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054. Acts 1937; Burns, 1939 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.

² Acts 1937; Burns, 1939 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.

³ Const. 1851, art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1897, 1899; Burns 49-821 to 49-834, 49-836; Baldwin 13154 to 13166, 13050, 13168. Acts 1875; Burns 49-837; Baldwin 13052.

⁴ Acts 1897, 1899; Burns 49-834; Baldwin 13050.

⁵ Acts 1937; Burns, 1939 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.

⁶ Acts 1920 (Spec. Sess.); ch. 49, sec. 3. Interview of May 22, 1939 with Philip Zoercher, chairman of the state board of tax commissioners.

⁷ Acts 1919, 1920 (Spec. Sess.); Burns 64-1303, 64-1329, 64-1330; Baldwin 15707, 15733, 15734. Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1939 suppl., 64-1331; Baldwin, 1935 suppl., 15735.

⁸ Toledo & W. R. Co. v. Lafayette (1864), 22 Ind. 262; First Nat. Bank v. Greger (1901), 157 Ind. 479, 62 N. E. 21. Interview of May 22, 1939 with Philip Zoercher, chairman of the state board of tax commissioners.

A county board of tax adjustment, having functions similar to those of the present board, was established under a mandatory act of 1932, and another was established under a mandatory act of 1933 which superseded the 1932 act. The board established under the act of 1932 was composed of seven members, namely, the auditor, three members of the county council (selected annually by the council), and three members appointed annually by the judge of the circuit court. The board established under the act of 1933 was composed of seven members appointed for one-year terms. One member was appointed by the county council from the members of the council. The other six members were appointed by the judge of the circuit court, as follows: A township trustee; the mayor of a city or the president of the board of trustees of a town; a member of the board of school commissioners, board of school trustees, or board of education of a school city or school town; and three resident freeholders of the county at large, not holding any other public office by virtue of an election held or appointment made within the county, and not closely related to the executive head of any municipal corporation of which the board of tax adjustment had jurisdiction.⁹

FUNCTIONS AND RECORDS

The board of tax adjustment reviews budgets, tax levies, and tax rates adopted by the county council for the county and also those adopted by the several taxing units within the county.¹⁰ The action of the board of tax adjustment is subject to review by the state board of tax commissioners.¹¹

The board of tax adjustment meets on the second Monday in September each year, and from day to day thereafter as its business requires, and must complete its duties on or before October 1.¹² The auditor, as clerk, keeps a complete record of the proceedings of the board.¹³

178. BOARD OF TAX ADJUSTMENT RECORD, 1932-. 4 f. b.
Minutes of meetings of board of tax adjustment, showing date of meeting, names of members present, business discussed, and

⁹ Acts 1932 (Spec. Sess.), ch. 10, sec. 4. Acts 1933, ch. 237, sec. 4.

¹⁰ Acts 1899; Burns 26-515; Baldwin 5379. Acts 1937; Burns, 1939 suppl., 64-310, 64-311; Baldwin, 1937 suppl., 15897-4, 15897-5.

¹¹ Acts 1937; Burns, 1939 suppl., 64-311, 64-314; Baldwin, 1937 suppl., 15897-5, 15897-8.

¹² Acts 1937; Burns, 1939 suppl., 64-310, 64-311; Baldwin, 1937 suppl., 15897-4, 15897-5.

¹³ Acts 1937; Burns, 1939 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.

action taken. Arr. chron. by dates of meetings. No index Typed. 5 x 4 x 10. Aud. off.

179. [TAX LEVIES], 1900-. In [Miscellaneous Reports], entry 210.

Tax levies established by taxing units and submitted to board of tax adjustment for review, showing dates of levy and filing, names of taxing unit, and amount of levy.

XII. BOARD OF FINANCE

LEGAL STATUS

The board of finance of Posey County, created by an act of 1907¹ and re-created by the Depository Act of 1935² and the Depository Act of 1937, consists of the board of commissioners of Posey County. The county auditor is secretary.³

The county auditor and members of the board of commissioners receive no compensation for their services as secretary and members, respectively, of the board of finance. From 1907 to 1932, and in 1935 and 1936, the auditor received \$50 per year.⁴

Before 1907 no county officer or board performed duties analogous to those of the board of finance.⁵

FUNCTIONS AND RECORDS

The board of finance has supervision of all public funds of the county and of the safekeeping and deposit thereof.⁶ It designates the banks and trust companies to serve as depositories for county funds,⁷ and for all fees and funds received

¹ Acts 1907, ch. 222, sec. 6. This act was repealed by Acts 1935, ch. 70, sec. 42.

² Acts 1935, ch. 70, secs. 7, 43. This act was repealed by Acts 1937, ch. 3, sec. 42.

³ Acts 1937; Burns, 1939 suppl., 61-629, 61-663; Baldwin, 1937 suppl., 13844-50, 13844-84.

For laws concerning eligibility, oath, and removal of these officers, see the essays entitled "Auditor" and "Board of Commissioners."

⁴ Acts 1907, ch. 222, sec. 7 (repealed by Acts 1935, ch. 70, sec. 42). Acts 1935, ch. 70, sec. 7 (repealed by Acts 1937, ch. 3, sec. 42). Acts 1933; Burns 49-1001, 49-1004; Baldwin 7531, 7534. Acts 1937; Burns, 1939 suppl., 61-629; Baldwin, 1937 suppl., 13844-50. *Opinions of the Attorney General of Indiana, 1934*, p. 313; 1936, p. 130.

⁵ Interview of May 31, 1939 with E. P. Brennan, state examiner.

⁶ Acts 1937; Burns, 1939 suppl., 61-629; Baldwin, 1937 suppl., 13844-50.

⁷ Acts 1937; Burns, 1939 suppl., 61-634 to 61-636; Baldwin, 1937 suppl., 13844-55 to 13844-57.

by the clerk of the circuit court by virtue of his office.⁸ It may revoke the commission of any depository at any time.⁹ In the name of "The Board of Finance of Posey County", the board may sue and be sued in any action in any court of competent jurisdiction.¹⁰

The board of finance holds an annual meeting on the third Monday in January, at which it elects its president;¹¹ and holds a biennial meeting on the third Monday in February, in the odd-numbered years, at which it considers proposals and designates depositories for the ensuing two-year period.¹² The board holds sessions whenever necessary to discharge its duties and accomplish the purposes of the laws governing it. A majority of the members constitutes a quorum for the transaction of business. All meetings are open to the public.¹³

The board keeps as permanent records the depositories' monthly statements of deposits.¹⁴ The auditor, as secretary of the board of finance,¹⁵ keeps a record of its proceedings. All records of the board are subject to public inspection.¹⁶

180. RECORD OF COUNTY BOARD OF FINANCE, 1907-. 1 vol. Minutes of meetings of board of finance, showing date of meeting, names of members present, business discussed, and action taken. Arr. chron. by dates of meetings. No index. Hdw. 432 pp. 16 x 12 x 2. Aud. off.

181. DEPOSITORY PROPOSALS, 1923-. 1 vol. Record of proposals filed by depositories for receiving deposits of public funds, showing dates of proposal, filing and approval, names of depository and directors, and statement of assets and liabilities of depository. Arr. chron. by dates of proposals. No index. Typed. 432 pp. 16 x 14 x 2½. Aud. off.

⁸ Acts 1937; Burns, 1939 suppl., 61-673; Baldwin, 1937 suppl., 1438-1.

⁹ Acts 1937; Burns, 1939 suppl., 61-636; Baldwin, 1937 suppl., 13844-57.

¹⁰ Acts 1937; Burns, 1939 suppl., 61-633; Baldwin, 1937 suppl., 13844-54.

¹¹ *Ibid.*

¹² Acts 1937; Burns, 1939 suppl., 61-635; Baldwin, 1937 suppl., 13844-57.

¹³ Acts 1937; Burns, 1939 suppl., 61-633; Baldwin, 1937 suppl., 13844-54.

¹⁴ Acts 1937; Burns, 1939 suppl., 61-638; Baldwin, 1937 suppl., 13844-59.

¹⁵ Acts 1937; Burns, 1939 suppl., 61-629; Baldwin, 1937 suppl., 13844-50.

¹⁶ Acts 1937; Burns, 1939 suppl., 61-633; Baldwin, 1937 suppl., 13844-54.

XIII. COUNTY SCHOOL FUND BOARD

LEGAL STATUS

The school fund board of Posey County was created by an act of 1835 and consists of the county auditor, the clerk of the circuit court, and one member appointed by the judge of the circuit court for a two-year term. No more than two members of the board may be adherents of the same political party.¹ A member must be an elector of the county, must have been an inhabitant thereof during one year next preceding his appointment, and must reside within the county while holding office.² Each member must take an oath that he will support the state and federal constitutions and will faithfully discharge his duties as a member of the county school fund board.³

The appointed member of the county school fund board receives, as compensation, \$2 for each loan made by the board, which amount is taxed as a part of the costs and is paid by the borrower. The auditor and the clerk of the circuit court receive no compensation, in addition to their regular salaries, for their services on the county school fund board.⁴

For sufficient legal grounds any member of the county school fund board may be removed by the circuit court, after trial by jury on an accusation presented by the grand jury or verified by oath of any person; and such removal is subject to review by the supreme court.⁵ If any member is convicted of a felony the judgment of conviction must declare his office vacant.⁶ The judge of the circuit court fills the vacancy as to the member appointed by him.⁷ Any vacancy in the office of the other members is filled by replacement in the office of the county auditor or clerk of the circuit court, as the case may be, the membership in the county school fund board being an incident to such office.⁸

¹ Acts 1865, 1935; Burns, 1939 suppl., 28-260; Baldwin, 1935 suppl., 6553.

² Const. 1851, art. 6, sec. 4, 6.

³ Const. 1851, art. 15, sec. 4. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054.

⁴ Acts 1865, 1935; Burns, 1939 suppl., 28-209; Baldwin, 1935 suppl., 6556.

⁵ Const. 1851, art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1851 (Spec. Sess.); Burns 4-303; Baldwin 1397. Acts 1897, 1899; Burns 49-821 to 49-834, 49-836; Baldwin 13154 to 13165, 13050, 13168. Acts 1875; Burns 49-237; Baldwin 13052. *McComas v. Krug* (1879), 81 Ind. 327 (intoxication).

⁶ Acts 1897, 1899; Burns 49-834; Baldwin 13050.

⁷ Acts 1865, 1935; Burns, 1939 suppl., 28-209; Baldwin, 1935 suppl., 6558.

⁸ See the essays entitled "Auditor" and "Clerk of the Circuit Court."

From the organization of the county until 1824 school lands (section 16 in each township) were leased by a trustee of the school sections, appointed by the court or board doing county business. From 1824 until 1829 such lands were leased by three trustees of the school section, elected for three-year terms by the voters of the townships.⁹ From 1818 until 1853 the public seminary funds of the county were in custody of a trustee of public seminary (appointed by the governor from 1818 to 1824, and appointed by the boards doing county business after 1824).¹⁰ From 1829 to 1849 loans from the school funds were made by the county school commissioners, elected for a three-year term by the voters of the county. The school commissioner was a financial agent of the county to manage the school funds and the lands belonging thereto.¹¹ In 1849 this office was abolished in Posey County, and the duties thereof were divided between the auditor and the treasurer, under the direction of the board of commissioners.¹² With the approval of the township trustees, the auditor had authority to make loans until 1935.¹³

FUNCTIONS AND RECORDS

The common school fund, as established by the Constitution of 1851,¹⁴ is kept by the auditor, in pursuance of an act of 1865, in two separate accounts:¹⁵ (a) The common school fund, consisting of moneys from the sale of escheated property, all lands granted to the state without a special object named in the grant, fines and forfeitures assessed by the courts, all moneys and lands formerly belonging to county seminaries, and all appropriations for schools, together with sundry minor funds; and (b) the Congressional Township school

⁹ Const. 1816, art. 9, sec. 1; art. 12, sec. 4. Acts 1810, ch. 24, secs. 1-5. Acts 1816-17, ch. 12, secs. 1-5. Acts 1817-18 (general), ch. 49, secs. 1-5. Rev. Laws 1824, ch. 97, sec. 1.

¹⁰ Const. 1816, art. 9, sec. 1. Acts 1817-18 (general), ch. 72, sec. 1. Rev. Laws 1824, ch. 22, secs. 2, 3. Rev. Laws 1831, ch. 20, sec. 25. Rev. Stat. 1838, ch. 21, sec. 25. Rev. Stat. 1843, ch. 14, sec. 31. 1 Rev. Stat. 1852, ch. 97.

¹¹ Acts 1828-29, ch. 84, secs. 8, 15. Rev. Laws 1831, ch. 86, secs. 6-52. Acts 1832-33, ch. 70, sec. 3. Rev. Stat. 1833, ch. 94 (2), secs. 1-16. Rev. Stat. 1843, ch. 4, secs. 11, 20; ch. 13, secs. 106-108, 193, 246, 247; ch. 15, secs. 85-87, 97.

¹² Acts 1843-49 (general), ch. 116, sec. 4. Acts 1851-52, ch. 57, secs. 1, 2. 1 Rev. Stat. 1852, ch. 98, secs. 133-137. Acts 1865, ch. 1, sec. 54.

¹³ 1 Rev. Stat. 1852, ch. 98, secs. 34, 35. Acts 1865, ch. 1, sec. 75.

¹⁴ Const. 1851, art. 8, sec. 2.

¹⁵ Acts 1865; Burns 28-105; Baldwin 6511.

fund, consisting of moneys from the sale and leasing of Congressional Township school lands.¹⁶ Distribution of the earnings on the common school fund is made biennially by the state to the counties on the basis of the average daily attendance of school children.¹⁷ Another school fund account kept by the auditor is the permanent endowment fund of Indiana University, established by an act of 1883 which is derived from a tax levy of one-half of one cent on each \$100 of taxable property, collected each twelfth year after the establishment of the fund.¹⁸ This fund is paid into the state treasury and is apportioned to the counties, by the state auditor, according to population.¹⁹ All school funds of the county are loaned and managed by the county school fund board.²⁰ The county is held liable for both principal and interest.²¹

All loans made by the county school fund board (except those made to the county) must be secured by mortgages on real estate. The board must satisfy itself, after approval of the title by the county attorney, as to the value of real estate offered in the mortgage, the validity of the title, and whether it is encumbered.²² The interest rate of such loans is five percent per annum.²³ Loans may be made to the county, on proper authorization by the county council, for a period not exceeding five years,²⁴ and the rate of interest is six percent per annum.²⁵

The mortgage must specify whether it belongs to the common school fund or to the Congressional Township fund, and, if the latter, the particular township or townships whose funds are loaned.²⁶ Payments are made to the treasurer; and

¹⁶ Acts 1865; Burns 28-101; Baldwin 6499.

¹⁷ Acts 1865, 1893, 1932 (Spec. Sess.), 1933; Burns 28-1013; Baldwin 6490.

¹⁸ Acts 1883; Burns 28-5579; Baldwin 6956. *Fisher v. Brown* (1902), 159 Ind. 139, 64 N. E.

614.

¹⁹ Acts 1897; Burns 28-5542; Baldwin 6808.

²⁰ Acts 1865; Burns 28-101; Baldwin 6499. Acts 1907; Burns 28-102; Baldwin 6500.

²¹ Acts 1865; Burns 28-104; Baldwin 6499-1. *Board of County Comrs. v. State ex rel.*

Hoard (1895), 103 Ind. 497, 3 N. E. 165; *Board of County Comrs. v. State ex rel. Baldwin* (1899), 116 Ind. 329, 19 N. E. 173; *Board of County Comrs. v. State ex rel. Michener* (1889), 120 Ind. 442, 22 N. E. 339; *Board of County Comrs. v. State ex rel. Michener* (1890), 122 Ind. 333, 24 N. E. 347; *State ex rel. Michener v. Board of County Comrs.* (1892), 5 Ind. App. 220, 32 N. E. 92.

²² Acts 1865, 1935; Burns, 1939 suppl., 28-209; Baldwin, 1935 suppl., 6558.

²³ Acts 1933; Burns 28-215; Baldwin 6574.

²⁴ Acts 1901; Burns 28-201, 28-202; Baldwin 6568, 6569.

²⁵ Acts 1901; Burns 28-204; Baldwin 6571.

²⁶ Acts 1865; Burns 28-230 to 28-232; Baldwin 6587 to 6589.

his receipt is filed with the auditor, who gives the payer a quietus therefor.²⁷ The auditor forecloses or otherwise enforces the defaulted mortgages.²⁸ Whenever the auditor is unable to sell lands acquired through default, the county may pay the loan, accept the land, and take possession thereof.²⁹

Whenever more than \$5,000 in either fund remains unloaned in the county for six months, the county auditor must notify the auditor of state, and the unloaned moneys may be transferred to another county.³⁰

The auditor makes an annual report to the board of commissioners showing the condition and activity of the school funds. The board examines the report, makes a written report of such examination, enters it of record, and transmits copies to the state superintendent of public instruction.³¹ Where the whole or part of the school funds of the county have been loaned, the auditor apportions to each Congressional Township a sufficient number of mortgages to cover the principal of its Congressional Township fund.³² A miscellaneous school fund account may be created by the auditor to enable him to aggregate small sums from school funds for one loan. In his report he shows the distribution of funds in full.³³

The auditor makes and keeps complete records of all loans made by the county school fund board, showing all payments and proceedings thereon.³⁴ The record entries for loans to counties are similar to those made for loans to private individuals.³⁵ Once each quarter he publishes in a local newspaper a statement of the amount of school funds unloaned.³⁶

²⁷ Acts 1865, 1901; Burns 28-235 to 28-237; Baldwin 6592, 6593, 6610.

²⁸ Rev. Stat. 1843, ch. 13, sec. 96, p. 252. Acts 1855, ch. 86, sec. 86. Acts 1865, 1885 (Spec. Sess.), 1889, 1933; Burns 28-240 to 28-244, 28-246 to 28-249; Baldwin 6586, 6585, 6595 to 6597, 6599 to 6601, 6594. Webb v. Moore (1865), 25 Ind. 4; Key v. Ostrander (1867), 29 Ind. 1; Bonnell v. Ray (1880), 71 Ind. 141; Willson v. Brown (1882), 82 Ind. 471; Benefiel v. Aughe (1884), 93 Ind. 401; Shannon v. Hay (1886), 106 Ind. 589, 7 N. E. 376; Windstandley v. Crim (1889), 117 Ind. 328, 20 N. E. 833; Haynes v. Cox (1889), 118 Ind. 184, 20 N. E. 758; Work v. State *ex rel.* Holland (1889), 120 Ind. 119, 22 N. E. 127; State *ex rel.* Longfellow v. Wimer (1905), 166 Ind. 530, 77 N. E. 1087.

²⁹ Acts 1899; Burns 28-250 to 28-256; Baldwin 6602 to 6608.

³⁰ Acts 1901; Burns 28-206; Baldwin 6573.

³¹ Acts 1855, ch. 86, secs. 88, 95. Acts 1865; Burns 28-259 to 28-262; Baldwin 6611 to 6614.

³² Acts 1865; Burns 28-263; Baldwin 6615.

³³ Acts 1879; Burns 28-264 to 28-266; Baldwin 6616 to 6618.

³⁴ Acts 1901; Burns 28-201 to 28-206; Baldwin 6568 to 6573. Acts 1865, 1901; Burns 28-235 to 28-237; Baldwin 6592, 6593, 6610.

³⁵ Acts 1901; Burns 28-201 to 28-206; Baldwin 6568 to 6573.

³⁶ Acts 1883, ch. 58, sec. 1. Acts 1899, ch. 95, sec. 1. Acts 1907; Burns 28-207, 28-208; Baldwin 6556, 6557. Board of County Comrs. v. Leslie (1876), 63 Ind. 492.

182. [APPLICATIONS FOR SCHOOL FUND LOANS], 1851-. 4 vols. Record of applications for school fund loans, showing date and number of application, amount of loan requested, names of applicant and appraiser, and location, description and appraised valuation of property. Arr. num. by application nos. No index. Hdw. 320 pp. 16 x 12 x 2½. Aud. off.

For other school fund records, see entries 68, 77, 183, 205-207, 248-256.

183. SCHOOL FUND MORTGAGES, 1931-. 7 f. b. (1-7). Original real estate mortgages executed to secure loans made from school funds, showing date, amount, rate of interest and conditions of mortgage, name of mortgagor, location, description and valuation of property, approval of school fund board, and date of filing. Arr. chron. by dates of filing. No index. Hdw. 5 x 4 x 10. Aud. off.

For other school fund records, see entries 68, 77, 182, 205-207, 248-256.

XIV. TREASURER

LEGAL STATUS

The treasurer of Posey County is a constitutional officer, elected for a two-year term by the voters of the county.¹ He is commissioned by the Governor of Indiana,² and holds office until his successor is elected and qualified.³ No person is eligible to the office of treasurer more than four years in any six-year period.⁴ The treasurer must be an elector of the county, and must have been an inhabitant thereof during one year next preceding his election or appointment;⁵ and, while holding the office of treasurer, he must reside within the county, must not hold any other lucrative office,⁶ and must not practice law.⁷ He must post bond, covering his

¹ Const. 1851, art. 6, sec. 2. *Gemmer v. State ex rel. Stephens* (1904), 163 Ind. 150, 71 N. E. 478.

² Const. 1851, art. 15, sec. 6. Rev. Stat. 1843, ch. 4, sec. 56. 1 Rev. Stat. 1852; Burns 49-201; Baldwin 13095.

³ Const. 1851, art. 15, sec. 3.

⁴ *Ibid.*, art. 6, sec. 2.

⁵ *Ibid.*, sec. 4. Rev. Stat. 1843, ch. 4, secs. 73, 74.

⁶ Const. 1851, art. 2, sec. 9; art. 6, sec. 6. Rev. Stat. 1843, ch. 4, secs. 61, 75.

⁷ Acts 1865, ch. 42 (misnumbered 62), sec. 2. Acts 1905; Burns 10-3102; Baldwin 2636. *McCracken v. State* (1867), 27 Ind. 491.

duties as county treasurer, in an amount not less than the amount of money which may come into his hands at any time during his term, approved by the board of commissioners and filed with the clerk of the circuit court.⁸ He must take an oath that he will support the state and federal constitutions and will faithfully discharge the duties of his office.⁹

The treasurer receives from the county a regular salary of \$1.720 per year. In addition to his salary, he receives, as compensation for himself, six percent of all delinquent personal property taxes collected by him, plus a "demand fee" of 50 cents on each collection resulting from personal demand. From 1919 until 1933 he also received \$5 per day for each day actually served as a member of the board of review of Posey County.¹⁰

For sufficient legal grounds the treasurer may be removed from office by the circuit court after trial by jury on an accusation presented by the grand jury or verified by the oath of any person; and such removal is subject to review by the supreme court.¹¹ If the treasurer is convicted of a felony the judgment of conviction must declare his office vacant.¹² If the treasurer becomes officially delinquent and a suit is commenced on his official bond, he may be removed from office

⁸ Acts 1816-17, ch. 17, sec. 2. Acts 1817-18 (general), ch. 44, sec. 2. Rev. Laws 1824, ch. 23, sec. 1; ch. 86, secs. 18, 27. Rev. Laws 1831, ch. 21, sec. 1; ch. 81, secs. 17, 19. Rev. Stat. 1843, ch. 4, secs. 88, 92-100; ch. 27, secs. 71-73. Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-104, 49-105, 49-120; Baldwin 13057, 13063, 13068. Acts 1851-52; Burns 49-123; Baldwin 13093. 1 Rev. Stat. 1852, Acts 1865, 1919; Burns 49-3101; Baldwin 5548. *Pepper v. State ex rel. Harvey* (1864), 22 Ind. 399.

⁹ Const. 1851, art. 15, sec. 4. Rev. Laws 1824, ch. 86, sec. 18. Rev. Laws 1831, ch. 81, sec. 17. Rev. Stat. 1843, ch. 4, secs. 77, 78, 81, 83, 84, 92; ch. 7, secs. 72, 73. Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054.

¹⁰ Acts 1816-17, ch. 17, sec. 12. Acts 1817-18 (general), ch. 44, sec. 12. Rev. Laws 1824, ch. 23, sec. 7; ch. 86, sec. 34. Rev. Laws 1831, ch. 21, sec. 5; ch. 81, sec. 40. Rev. Stat. 1843, ch. 7, sec. 90; ch. 12, secs. 59, 71. Acts 1933; Burns 49-1001, 49-1004, 49-1016; Baldwin 7531, 7534, 7546. Acts 1933, 1937; Burns, 1939 suppl., 49-1006; Baldwin, 1937 suppl., 7536. Acts 1919, 1920 (Spec. Sess.); Burns 64-1201, 64-1204; Baldwin 15700, 15703. *Town of Paoli v. Charles* (1905), 164 Ind. 690, 74 N. E. 508. *Opinions of the Attorney General of Indiana, 1934*, p. 313; 1936, p. 130.

¹¹ Const. 1851, art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1816-17, ch. 17, sec. 3. Acts 1817-18 (general), ch. 44, sec. 3. Rev. Laws 1824, ch. 23, sec. 2. Rev. Laws 1831, ch. 21, sec. 6. Acts 1897, 1899; Burns 49-821 to 49-834, 49-836; Baldwin 13154 to 13166, 13050, 13168. Acts 1875; Burns 49-837; Baldwin 13052.

¹² Acts 1897, 1899; Burns 49-834; Baldwin 13050.

by the board of commissioners,¹³ but such removal is subject to review by the circuit court.¹⁴

Any vacancy in the office of treasurer is filled through appointment by the board of commissioners. The appointee must take oath and post bond, as was required of his predecessor, and holds office for the unexpired term and until his successor is elected and qualified.¹⁵

Under authority from the board of commissioners, the treasurer may appoint one deputy and one or more assistants. The county council fixes their salaries, which must be not less than \$75 nor more than \$125 per month.¹⁶ The treasurer may, at his own expense, employ other persons to collect delinquent personal property taxes by personal demand.¹⁷ The treasurer may require the deputy to give bond.¹⁸ The deputy must take the oath required of the treasurer, may perform all the official duties of the treasurer and is subject to the same regulations and penalties.¹⁹ The treasurer may remove such deputy and assistants at any time and is responsible for their official acts.²⁰

The sheriff served as county treasurer from 1814 (the organization of the county) until 1817²¹ and as county tax col-

¹³ Rev. Stat. 1843, ch. 7, sec. 87. 1 Rev. Stat. 1852; Burns 49-3115; Baldwin 5562.

¹⁴ 1 Rev. Stat. 1852; Burns 26-901; Baldwin 5277.

¹⁵ Const. 1851, art. 6, sec. 9. Acts 1816-17, ch. 17, sec. 3. Acts 1817-18 (general), ch. 44, sec. 3. Rev. Laws 1824, ch. 86, sec. 30. Rev. Laws 1831, ch. 81, sec. 37. Rev. Stat. 1843, ch. 4, secs. 136, 139, 160, 162, 163, 168, 169; ch. 7, secs. 74, 87. Rev. Stat. 1843, ch. 7, sec. 74. Acts 1881 (Spec. Sess.); Burns 29-701; Baldwin 7081; 1 Rev. Stat. 1852; Burns 49-405, 49-408, 49-409; Baldwin 13104, 13106, 13107. *Douglass v. State ex rel. Wright* (1869), 31 Ind. 429; *Beale v. State ex rel. Gray* (1874), 49 Ind. 41; *Weaver v. State ex rel. Sims* (1899), 152 Ind. 479, 53 N. E. 450. Interview of August 29, 1939 with Omer Stokes Jackson, Attorney General of Indiana.

¹⁶ Rev. Laws 1831, ch. 81, secs. 17, 37. Rev. Stat. 1843, ch. 12, sec. 153. 1 Rev. Stat. 1852, Acts 1855, 1925; Burns 49-501; Baldwin 13108. Acts 1933, 1935, 1937; Burns, 1939 suppl., 49-1002; Baldwin, 1937 suppl., 7532. *Opinions of the Attorney General of Indiana, 1934*, p. 256; 1937, p. 324.

¹⁷ Acts 1933, 1937; Burns, 1939 suppl., 49-1006; Baldwin, 1937 suppl., 7536.

¹⁸ 1 Rev. Stat. 1852, Acts 1855, 1925; Burns 49-501; Baldwin 13108.

¹⁹ Rev. Stat. 1843, ch. 4, sec. 85. 1 Rev. Stat. 1852; Burns 49-502; Baldwin 13109. *Lucas v. Shepherd* (1861), 16 Ind. 368.

²⁰ Rev. Stat. 1843, ch. 7, sec. 88; ch. 12, secs. 82, 153. 1 Rev. Stat. 1852; Burns 49-503; Baldwin 13110. Acts 1933, 1935, 1937; Burns, 1939 suppl., 49-1002; Baldwin, 1937 suppl., 7532.

²¹ Const. 1816, art. 12, secs. 3, 4. Acts 1807, ch. 65, secs. 1-3. Acts 1811, ch. 37, secs. 3-5, 7. Acts 1813, ch. 8, sec. 26. Acts 1814, ch. 7, sec. 1. Acts 1815, ch. 10, secs. 1, 2.

lector from 1814 until 1824.²² From 1817 until 1841 a county treasurer was annually appointed by the board doing county business.²³ He received and disbursed county funds; received taxes collected by the sheriff (1817 to 1824) and tax collector (1824 to 1841); collected the fees charged for the licensing of taverns, shows, and vending of foreign merchandise; kept a separate account of receipts from fines, to be used to support county seminaries; and made annual settlements with the board.²⁴ From 1824 to 1841 the board annually appointed a tax collector.²⁵ He collected taxes (other than the license fees aforesaid); conducted tax sales; issued tax sale certificates and tax deeds; paid all collected funds over to the county treasurer and state treasurer; filed with the clerk of the circuit court a report concerning the sale of lands for delinquent taxes; and made and delivered to the clerk an alphabetical list of all white male persons over 21 years old residing in the county.²⁶ In 1841 the office of county tax collector was abolished and the duties of that office were transferred to the county treasurer. From 1841 until the adoption of the Constitution of 1851 (which made the treasurer a constitutional officer), the treasurer was elected for a three-year term by the voters of the county.²⁷

²² Const. 1816, art. 12, secs. 3, 4. Acts 1811, ch. 4, sec. 5; ch. 35, secs. 7, 11-15; ch. 37, secs. 6, 8, 10, 11. Acts 1813, ch. 8, secs. 14-26; ch. 25, secs. 1-3, 5. Acts 1813-14, ch. 14; ch. 22, secs. 3, 4, 6, 7. Acts 1814, ch. 15, sec. 2. Acts 1815, ch. 5, secs. 1, 5, 7. Acts 1816-17, ch. 8, sec. 23; ch. 19, secs. 7, 9-15; ch. 23, sec. 3; ch. 25, sec. 1. Acts 1817-18 (special), ch. 17, sec. 1; ch. 36, sec. 3. Acts 1817-18 (general), ch. 42, secs. 11, 14-19, 21, 23-27; ch. 44, secs. 4-11; ch. 72, secs. 2, 3; ch. 77, sec. 3; ch. 79, sec. 1.

²³ Acts 1816-17, ch. 17, secs. 1, 2. Acts 1817-18 (general), ch. 44, secs. 1, 2. Rev. Laws 1824, ch. 23, sec. 1. Rev. Laws 1831, ch. 21, sec. 1.

²⁴ Acts 1816-17, ch. 8, sec. 22; ch. 10, sec. 13; ch. 17, secs. 1-11; ch. 19, secs. 7, 13, 15; ch. 23, sec. 5; ch. 27, sec. 1; ch. 69, sec. 23. Acts 1817-18 (special), ch. 2, sec. 1; ch. 4, sec. 1; ch. 36, sec. 2. Acts 1817-18 (general), ch. 4, sec. 3; ch. 13, sec. 30; ch. 14, secs. 4, 25; ch. 32, sec. 9; ch. 42, secs. 3, 12, 14, 18, 22, 23, 25; ch. 43, sec. 21; ch. 44, secs. 1-11; ch. 47, sec. 2; ch. 62, secs. 2, 3; ch. 72, sec. 2; ch. 77, sec. 5; ch. 79, sec. 1. Rev. Laws 1824, ch. 23, secs. 1-10; ch. 86, secs. 24, 25, 32, 36, 37. Rev. Laws 1831, ch. 20, secs. 15, 17; ch. 21, secs. 1-10; ch. 81, secs. 14, 29, 31, 38, 39, 45, 46, 50. Rev. Stat. 1838, ch. 21, secs. 15, 17.

²⁵ Rev. Laws 1824, ch. 86, secs. 18, 42. Rev. Laws 1831, ch. 81, secs. 17, 18.

²⁶ Rev. Laws 1824, ch. 23, secs. 6, 8, 11, 13; ch. 86, secs. 11-16, 19-28, 32, 34-37, 39-41, 45. Acts 1825, ch. 9, sec. 1. Acts 1829-30, ch. 9, sec. 5. Rev. Laws 1831, ch. 20, secs. 15, 18, 19; ch. 21, secs. 2-4, 10; ch. 81, secs. 14, 17-46, 51. Rev. Stat. 1838, ch. 81, secs. 18, 19.

²⁷ Const. 1851, art. 6, sec. 2. Acts 1840-41 (general), ch. 4, secs. 1, 13-22. Rev. Stat. 1843, ch. 4, sec. 18; ch. 7, secs. 70, 75-91; ch. 12, secs. 53-180. *Ham v. State ex rel. Williams* (1844), 7 Blackford 344.

FUNCTIONS AND RECORDS

The treasurer receives all moneys coming to the county, issues official receipts therefor, and disburses the same on warrants issued by the auditor. He countersigns the warrant and stamps thereon the name of the depository by which it is payable. He may pay the warrant out of funds in his office or require it to be presented to the depository for payment.²⁸ He collects taxes for the state and county and also for townships, cities, and towns in the county, as shown on the tax duplicate delivered to him by the auditor.²⁹ Polls and property omitted from the tax duplicate are reported by him to the auditor for assessment.³⁰ He sells real estate and personal property at public auction for delinquent taxes.³¹ He also collects corporate taxes,³² inheritance taxes,³³ and the excise tax on shares of stock and deposits of banks, trust companies,³⁴ and loan associations;³⁵ and sells intangible tax stamps for the state board of tax commissioners.³⁶

All public funds paid into the county treasury must be deposited by the treasurer daily in one or more depositories designated by the board of finance. The treasurer makes monthly reports to the board of finance showing the balance of funds at the end of the previous month—consistent with the statement furnished to the board by the depository;³⁷ makes quarterly reports to the board of commissioners and auditor

²⁸ Rev. Stat. 1843, ch. 7, secs. 76-84, 91. Acts 1899, 1935; Burns, 1939 suppl., 26-522; Baldwin, 1935 suppl., 5386. 2 Rev. Stat. 1852, Acts 1891; Burns 49-2710; Baldwin 1437. 1 Rev. Stat. 1852; Burns 49-3103, 49-3104, 49-3111; Baldwin 5550, 5551, 5558. Acts 1937; Burns, 1939 suppl., 61-627; Baldwin, 1937 suppl., 18844-43. State *ex rel.* Zable v. Benson (1880), 70 Ind. 481.

²⁹ Rev. Stat. 1843, ch. 7, sec. 86; ch. 12, secs. 53-55, 62, 67, 174. Acts 1897, ch. 54, sec. 1. Acts 1905; Burns 48-6701, 48-6702, 48-6705; Baldwin 11511 to 11513. Acts 1919; Burns 64-1408, 64-1502; Baldwin 15745, 15748. Standard Oil Co. v. Bretz (1884), 98 Ind. 231.

³⁰ Acts 1919; Burns 64-2102; Baldwin 15803.

³¹ Rev. Stat. 1843, ch. 7, sec. 89; ch. 12, secs. 56-67, 83-126. Acts 1932 (Spec. Sess.); Burns 64-1509, 64-1511; Baldwin 15752, 15754. Acts 1919, 1931; Burns 64-1701 to 64-1705, 64-2202, 64-2203 to 64-2211; Baldwin 15778 to 15782, 15806, 15803 to 15818. Acts 1919, 1931, 1937; Burns, 1939 suppl., 64-2202; Baldwin, 1937 suppl., 15807. Pay v. Shanks (1877), 56 Ind. 554.

³² Acts 1919; Burns 64-1801; Baldwin 15783.

³³ Acts 1931; Burns 6-2413; Baldwin 15951.

³⁴ Acts 1933; Burns 64-804; Baldwin 15585.

³⁵ Acts 1933; Burns 64-827; Baldwin 15608.

³⁶ Acts 1933; Burns 64-927; Baldwin 15925.

³⁷ Acts 1907; Burns 61-610; Baldwin 13814. Acts 1937; Burns, 1939 suppl., 61-624; Baldwin, 1937 suppl., 13844-45.

showing the amount of money in the county treasury;³⁸ makes monthly reports to the auditor showing the total amount of cash payments received by him during the month and the respective accounts on which they were applied;³⁹ makes annual settlements with the board of commissioners in January;⁴⁰ makes semiannual settlements for taxes with the county auditor in May and November,⁴¹ and in accordance therewith pays to the state treasurer in June and December all money due for state purposes;⁴² and also makes requested payments to the state treasurer at other times.⁴³ He makes quarterly reports to the auditor showing specifically the amount of fees collected;⁴⁴ and deposits quarterly with the auditor all redeemed warrants.⁴⁵

The county treasurer is a member of the board of review, which meets annually for the purpose of reviewing property tax valuations.⁴⁶

The treasurer must keep his office, books, and papers in a fireproof building (if available) and his office must be open for transaction of business during business hours.⁴⁷ He must keep a cashbook wherein are entered daily, by item, all receipts of public funds. The book must be balanced daily, show funds on hand at the close of each day, and be open to public inspection.⁴⁸ He keeps records of all receipts and disbursements in a general account, and also in separate accounts for the separate appropriations and distinct funds.⁴⁹

³⁸ Acts 1891, ch. 194, sec. 125. Acts 1895, 1903, 1913; Burns 49-1402; Baldwin 7577. Acts 1895, 1913; Burns 49-1403; Baldwin 7578. *Wolfe v. State ex rel. Kennard* (1883), 90 Ind. 16.

³⁹ Acts 1919; Burns 64-2101; Baldwin 15802.

⁴⁰ Rev. Stat. 1843, ch. 7, sec. 90. Acts 1899; Burns 26-531; Baldwin 5395. 1 Rev. Stat. 1852; Burns 49-3116; Baldwin 5563.

⁴¹ Rev. Stat. 1843, ch. 12, secs. 68, 154. Acts 1919; Burns 64-2501; Baldwin 15850.

⁴² Rev. Stat. 1843, ch. 12, secs. 68, 69. Acts 1919; Burns 64-2503, 64-2504; Baldwin 15852, 15853.

⁴³ Acts 1859, 1861; Burns 49-1813; Baldwin 15059. Acts 1937; Burns, 1939 suppl., 61-626; Baldwin, 1937 suppl., 13844-47.

⁴⁴ Acts 1895, 1903, 1913; Burns 49-1402; Baldwin 7577.

⁴⁵ Rev. Stat. 1843, ch. 7, sec. 85. 1 Rev. Stat. 1852; Burns 49-3114; Baldwin 5561.

⁴⁶ Acts 1891, ch. 99, sec. 114. Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

⁴⁷ Rev. Stat. 1843, ch. 7, sec. 75. 1 Rev. Stat. 1852; Burns 49-3106; Baldwin 5553. Acts 1853; Burns 49-3107, 49-3108; Baldwin 5556, 5557.

⁴⁸ Acts 1937; Burns, 1939 suppl., 61-623; Baldwin, 1937 suppl., 13844-44.

⁴⁹ Acts 1841-42 (general), ch. 4, sec. 5. Rev. Stat. 1843, ch. 7, sec. 75. 1 Rev. Stat. 1852; Burns 49-3109; Baldwin 5554.

An "insolvent record" of dropped taxes, prepared by the auditor, is kept in the treasurer's office.⁵⁰

Forms for the following books have been prescribed for county treasurers by the state board of accounts: Daily balance of cash and depositories; record of warrants by depositories; ledger of receipts and disbursements; register of taxes collected; record of bids for bonds; and daily inventory of intangible tax stamps. This board has prescribed blank forms of monthly reports and various receipts.⁵¹

TAX COLLECTIONS

REAL AND PERSONAL

184. TAX DUPLICATE [AND DELINQUENT LIST], 1877-. 124 vols. (dated).

Record of taxes payable and amounts returned delinquent, showing installment date, names of taxpayer and taxing unit, location and description of lands, lots and improvements, and amount payable, paid and delinquent. This is a combination of two records formerly kept separately: Tax Duplicate, entry 185; Delinquent Record, entry 195. Arr. by taxing units, thereunder alph. by names of taxpayers. No index. Hdw. 600 pp. 18 x 24 x 3. 46 vols., 1877-99, SE. stor. rm., 3rd fl.; 78 vols., 1900-, treas. off.

185. TAX DUPLICATE, 1841-76. 61 vols. (dated). 1877- in Tax Duplicate [and Delinquent List], entry 184.

Record of all taxes payable, showing duplicate number, names of taxpayer and taxing unit, location, description and assessed valuation of property, amounts assessed for real property, personal property and polls, deduction account of mortgage and soldiers' exemptions, and date of payment. Arr. by taxing units, thereunder alph. by names of taxpayers. No index. Hdw. 600 pp. 18 x 24 x 3. Attic stor. rm.

186. REGISTER OF TAXES COLLECTED, 1888-. 41 vols. (1-12, twenty-nine vols. not labelled). Title varies: Treasurers Cash Book, 1888-1914, 16 vols., 1857-87 in Register of Receipts, entry 200.

Daily record of all taxes collected, showing date, amount and source of payment, names of taxing unit and taxpayer, and tax duplicate number. Arr. chron. by dates of payments. No

⁵⁰ Acts 1919; Burns 64-2801; Baldwin 15864.

⁵¹ Acts 1909; Burns 60-202; Baldwin 13855. Interview of May 18, 1939 with E. P. Brennan, state examiner.

index. Hdw. 500 pp. 18 x 13 x 2½. 16 vols., 1888-1914, attic stor. rm.; 21 vols., 1915-35, SE. stor. rm., 3rd fl.; 4 vols., 1936-, treas. off.

187. TAX RECEIPTS, 1909-. 559 vols., 20 cartons, 6 f. b. Duplicates of tax statements issued for payment of taxes, showing receipt and tax duplicate numbers, date and amount of payment, names of taxing unit and taxpayer, and description of property. Arr. by taxing units, thereunder chron. by dates of payments. No index. Hdw. Vols., 200 pp. 12 x 24 x 1; cartons, 6 x 10 x 24; f. b., 5 x 4 x 10. 559 vols., 20 cartons, 1909-35, attic stor. rm.; 6 f. b., 1936-, treas. off.

INHERITANCE (see also entries 154, 175)

188. ORDER DETERMINING VALUE AND AMOUNT OF TAX, 1900-. 7 vols.

Copies of court orders determining value of estates and amount of inheritance tax, showing dates of order, decedent's death and appraisal of estate, names of estate, appraiser, heirs and administrator or executor, value of real and personal property, location and description of property, amount of deduction for indebtedness, and rate and amount of tax. Arr. chron. by dates of orders. No index. Hdw. 233 pp. 18 x 28 x 3. Treas. off.

189. INHERITANCE TAX RECEIPTS, 1914-. 2 vols.

Stubs of receipts for payments of inheritance tax, showing dates of death and receipt, names of decedent, legatees, and payer, amounts of tax, interest, and discount, receipt and cause numbers, and amount of payment. Arr. num. by receipt nos. No index. Hdw. 400 pp. 10 x 24 x 2½. Treas. off.

PUBLIC IMPROVEMENTS (see also entries 18-20, 233, 234, 314-350)

190. DITCH TAX DUPLICATE, 1914-. 2 vols.

Record of current and delinquent assessments on ditches, showing date and amount of assessment, duplicate number, name and address of property owner, location and description of land and allotment, name of ditch, and amounts collected and delinquent. Arr. alph. by names of property owners. No index. Hdw. 300 pp. 20 x 14 x 3. Treas. off.

191. REGISTER OF ROAD RECEIPTS, 1883-1910. 3 vols. Discontinued.

Register of road taxes paid to treasurer, showing date and amount of payment, and names of road, township and payer. Arr. chron. by dates of payments. No index. Hdw. 300 pp. 15 x 11 x 1½. 2 vols., 1883-1900, SE. stor. rm., 3d fl.; 1 vol., 1901-10, attic stor. rm.

DELINQUENT

192. RECORD OF INSOLVENT, DOUBTFUL AND NONRESIDENT TAX-PAYERS, 1914-. 3 vols. (one vol. not labelled, 1, 2).

Record of delinquent and uncollectible taxes due to insolvency and nonresidence, showing name and address of owner, valuation and description of property, date and cause of delinquency, and amounts of current and delinquent tax penalty and interest. Arr. by taxing units, thereunder alph. by names of taxpayers. No index. Hdw. 325 pp. 18 x 12 x 2. Treas. off.

193. MORATORIUM TAX DUPLICATE, 1934-. 2 vols.

Record of delinquent taxes on which payment has been deferred, showing date of moratorium, schedule of payments, tax duplicate number, names of taxpayer and taxing unit, location and description of property, and amount of delinquency. Arr. by taxing units, thereunder num. by tax duplicate nos. No index. Hdw. 60 pp. 16 x 14 x 1. Treas. off.

194. MORATORIUM TAX RECEIPTS, 1934-. 3 vols.

Duplicates of receipts issued for payments of moratorium taxes, showing date, amount and number of receipt, tax duplicate number, amount of delinquent tax, rate of interest, and name of taxpayer. Arr. num. by receipt nos. No index. Hdw. 113 pp. 18 x 14 x 2. Treas. off.

195. DELINQUENT RECORD, 1841-76. 10 vols. (dated).
1877- in Tax Duplicate [and Delinquent List],
entry 184.

Record of lands and lots returned delinquent for nonpayment of taxes, showing installment date, names of property owner and taxing unit, location, description, and assessed valuation of property, and amounts of delinquency, penalty and interest. Arr. by taxing units, thereunder alph. by names of property owners. No index. Hdw. 260 pp. 17 x 13 x 2. Attic stor. rm.

RECEIPTS AND DISBURSEMENTS

(See also entries 213-232)

GENERAL FUND

196. DAILY BALANCE OF CASH BY DEPOSITORIES, 1908-. 32 vols. (1-5, twenty-seven vols. not labelled). Title varies: Daily Balance Book, 1908-24, 16 vols.; Treasurer's Daily Balance of Cash and Depositories, 1925-35, 11 vols.

Record of daily receipts, disbursements and depository balances, showing date of balance, total receipts and disburse-

ments, names of depository and fund, amounts of deposits and withdrawals, balance in depository, and summary of cash on hand. Arr. chron. by dates of balances. No index. Hdw. 325 pp. 16 x 12 x 2½. 5 vols., 1908-13, attic stor. rm.; 22 vols., 1914-35, SE. stor. rm., 3d fl.; 5 vols., 1936-, treas. off.

197. MONTHLY BALANCE RECORD, 1911-. 7 vols. (two vols. not labelled, 3-7).

Record of monthly balances of all funds, showing date of balance, account number, amounts received and disbursed previous months of year, current month and totals for year, and balance or overdraft. Arr. chron. by dates of balances. No index. Hdw. 150 pp. 18 x 16 x 1½. 1 vol., 1911-19, SE. stor. rm., 3d fl.; 1 vol., 1920-24, attic stor. rm.; 5 vols., 1925-, treas. off.

198. TREASURERS REGISTER OF WARRANTS BY DEPOSITORIES, 1912-. 7 vols. (1-7).

Register of warrants drawn on depositories of county funds, showing date, amount, and number of warrant, date of payments, name of depository, account number, and total amounts drawn on each depository daily. Arr. chron. by dates of warrants. No index. Hdw. 324 pp. 18 x 14 x 2. 5 vols., 1912-35, SE. stor. rm., 3d fl.; 2 vols., 1936-, treas. off.

199. TREASURER'S LEDGER OF RECEIPTS AND DISBURSEMENTS, 1924-. 2 vols.

Record of receipts and disbursements of county funds, showing name of fund, dates, numbers and amounts of warrants, dates, numbers, source and amounts of receipts, and balance or overdraft. This is a combination of four records formerly kept separately: Register of Receipts, entry 200; Register of Disbursements, entry 201; Treasurer's Cash Book of All Receipts, entry 202; Cash Book of Disbursements on Auditor's Warrants, entry 203. Arr. by names of funds, thereunder chron. by dates of receipts and disbursements. Hdw. 700 pp. 18 x 24 x 3½. 1 vol., 1924-31, SE. stor. rm., 3d fl.; 1 vol., 1932- treas. off.

200. REGISTER OF RECEIPTS, 1857-1924. 12 vols. Title varies: Cash Book Treasurer, 1881-87, 3 vols. 1924- in Treasurer's Ledger of Receipts and Disbursements, entry 199.

Register of cash receipts of treasurer, showing date, amount and number of receipt, and names of payer and fund. Also contains: Register of Taxes Collected, 1857-87, entry 186. Arr. chron. by dates of receipts. No index. Hdw. 100 pp. 16 x 14 x 1½. 9 vols., 1857-1910, attic stor. rm.; 3 vols., 1911-24, SE. stor. rm., 3rd fl.

201. REGISTER OF DISBURSEMENTS, 1839-1924. 17 vols.
Title varies: Register of Orders Paid by Treasurer, 1839-80, 5 vols. 1924- in Treasurer's Ledger of Receipts and Disbursements, entry 199.

Record of disbursements of county funds, showing date, number and amount of warrant, and name of fund. Arr. num. by warrant nos. No index. Hdw. 320 pp. 16 x 28 x 2. 12 vols., 1839-1910, attic stor. rm.; 5 vols., 1911-24, SE. stor. rm., 3rd fl.

202. TREASURERS CASH BOOK OF ALL RECEIPTS, 1911-24. 1 vol.
1911-24- in Treasurer's Ledger of Receipts and Disbursements, entry 199.

Daily record of cash receipts other than taxes, showing date, amount and number of receipt, and names of payer and fund. Also contains: Register of Receipts of School Funds, entry 205.

Arr. chron. by dates of receipts. No index. Hdw. 250 pp. 16 x 12 x 2. SE. stor. rm., 3rd fl.

203. CASH BOOK OF DISBURSEMENTS ON AUDITOR'S WARRANTS, 1911-24. 6 vols. (one vol. not labelled, 1-5).
1924- in Treasurer's Ledger of Receipts and Disbursements, entry 199.

Record of warrants drawn on depositories against county funds, showing date, number and amount of warrant, date countersigned by treasurer, and names of payee, depository and fund. Also contains: Register of Orders School Funds, entry 206. Arr. chron. by dates of warrants. No index. Hdw. 160 pp. 16 x 12 x 1½. 1 vol., 1911-13, attic stor. rm.; 5 vols., 1914-24, SE. stor. rm., 3rd fl.

204. [TREASURER'S RECEIPTS], 1931-. 2 vols.

Duplicates of receipts issued by treasurer to obtain auditor's quietuses, showing date, amount and purpose of receipt, and name of payer. Arr. chron. by dates of receipts. No index. Hdw. 100 pp. 18 x 12 x 1. 1 vol., 1931-35, SE. stor. rm., 3rd fl.; 1 vol., 1936-, treas. off.

SCHOOL FUND (see also entries 68, 77, 182, 183, 248-256)

205. REGISTER OF RECEIPTS OF SCHOOL FUNDS, 1842-1910. 2 vols. Title varies: Journal, 1842-55. 1911-24 in Treasurer's Cash Book of All Receipts, entry 202.

Register of moneys paid into school funds, showing date of payment, number and amount of receipt, and name of payer. Arr. chron. by dates of receipts. No index. Hdw. 200 pp. 16 x 12 x 2½. SE. stor. rm., 3d fl.

206. REGISTER OF ORDERS SCHOOL FUNDS, 1855-1910. 4 vols. 1911-24 in Cash Book of Disbursements on Auditor's Warrants, entry 203.

Register of disbursements of school funds, showing date and amount of disbursement, names of payee and fund, and order number. Arr. num. by order nos. No index. 400 pp. 16 x 12 x 2½. SE. stor. rm., 3d fl.

207. LEDGER TREASURER OFFICE SCHOOL FUNDS, 1855-1910. 1 vol. Discontinued.

Record of monthly balances of school and trust fund revenue, showing date of balance, name of fund, and amounts of receipts, disbursements and balance. Arr. chron. by dates of balances. No index. Hdw. 400 pp. 16 x 12 x 2½. SE. stor. rm., 3d fl.

XV. AUDITOR

LEGAL STATUS

The auditor of Posey County is a constitutional officer, elected for a four-year term by the voters of the county.¹ He is commissioned by the Governor of Indiana² and holds office until his successor is elected and qualified.³ No person is eligible to the office of auditor more than eight years in any 12-year period.⁴ The auditor must be an elector of the county and must have been an inhabitant thereof during one year next preceding his election or appointment;⁵ and, while holding the office of auditor, he must reside within the county, must not hold any other lucrative office, and must not practice law.⁶ He must post bond in the amount of \$10,000, approved by the board of commissioners and filed with the clerk of the circuit court,⁷ and take an oath that he will

¹ Const. 1851, art. 6, sec. 2. 1 Rev. Stat. 1852; Burns 49-3001; Baldwin 5415.

² Const. 1851, art. 15, sec. 6. 1 Rev. Stat. 1852; Burns 49-201; Baldwin 13095.

³ Const. 1851, art. 15, sec. 3. 1 Rev. Stat. 1852; Burns 49-3001; Baldwin 5415. Griebel v. State *ex rel.* Niezer (1887), 111 Ind. 369, 12 N. E. 700.

⁴ Const. 1851, art. 6, sec. 2.

⁵ *Ibid.*, sec. 4. State *ex rel.* Jeffries v. Kilroy (1882), 86 Ind. 119.

⁶ Const. 1851, art. 2, sec. 9; art. 6, sec. 6. Acts 1905; Burns 10-3102; Baldwin 2636. State v. Allen (1863), 21 Ind. 516; Wells v. State *ex rel.* Peden (1911), 175 Ind. 380, 94 N. E. 321.

⁷ Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-104, 49-105, 49-120; Baldwin 13057, 13063, 13068. Acts 1889; Burns 49-3003; Baldwin 5417.

support the state and federal constitutions and will faithfully discharge the duties of his office.⁸

The auditor receives a regular salary of \$2,000 per year.⁹ In addition to his regular salary he receives \$50 per year for services rendered for the city of Mount Vernon; and from 1907 to 1932, and in 1935 and 1936, he also received \$50 per year for acting as secretary of the board of finance of Posey County; and from 1919 until 1933 he also received \$5 per day for each day actually served as member of the board of review of Posey County.¹⁰ He is not entitled to retain, as compensation for himself, any fees collected by him.¹¹

For sufficient legal grounds the auditor may be removed from office by the circuit court, after trial by jury on an accusation presented by the grand jury or verified by the oath of any person; and such removal is subject to review by the supreme court.¹² If the auditor is convicted of a felony the judgment of conviction must declare the office vacant.¹³

Any vacancy in the office of auditor is filled through appointment by the board of commissioners. At the next biennial general election (held on the first Tuesday after the first Monday in November in the even-numbered years), an auditor is elected for the remainder of the term in which the vacancy occurred, unless such term has expired. The person appointed or elected to fill a vacancy must take oath and post bond, as was required of his predecessor; and he holds office until his successor is elected and qualified.¹⁴

⁸ Const. 1851, art. 15, sec. 4. Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054.

⁹ Acts 1933; Burns 49-1004; Baldwin 7534.

¹⁰ Acts 1907, ch. 222, sec. 7 (repealed by Acts 1935, ch. 70, sec. 42). Acts 1935, ch. 70, sec. 7 (Repealed by Acts 1937, ch. 3, sec. 42). Acts 1933; Burns 48-1232, 49-1001, 49-1004; Baldwin 11413, 7531, 7534. Acts 1919, 1920 (Spec. Sess.); Burns 64-1201, 64-1204; Baldwin 15700, 15703. *Opinions of the Attorney General of Indiana, 1934*, p. 313; 1936, p. 130. *Board of County Comrs. v. Johnson* (1891), 127 Ind. 238, 26 N. E. 821; *Tucker v. State ex rel. Board of County Comrs.* (1904), 163 Ind. 403, 71 N. E. 140.

¹¹ Acts 1933; Burns 49-1005; Baldwin 7535. *Workman v. State ex rel. Board of County Comrs.* (1905), 165 Ind. 42, 73 N. E. 917.

¹² Const. 1851, art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1897, 1899; Burns 49-821 to 49-834, 49-836; Baldwin 13154 to 13166, 13050, 13168. Acts 1875; Burns 49-837; Baldwin 13052.

¹³ Acts 1897, 1899; Burns 49-834; Baldwin 13050.

¹⁴ Const. 1851, art. 6, sec. 9. Acts 1881 (Spec. Sess.); Burns 29-701; Baldwin 7081. 1 Rev. Stat. 1852; Burns 49-405, 49-408, 49-409; Baldwin 13104, 13106, 13107. *Douglass v. State ex rel. Wright* (1869), 31 Ind. 429. Interview of July 11, 1939 with Omer Stokes Jackson, Attorney General of Indiana.

Under authority from the board of commissioners the auditor may appoint one deputy and one or more assistants. The county council fixes their salaries, which must be not less than \$75 nor more than \$125 per month.¹⁵ The auditor may require the deputy to give bond.¹⁶ The deputy must take the oath required of the auditor, may perform all the official duties of the auditor, and is subject to the same regulations and penalties.¹⁷ The auditor may remove such deputy and assistants at any time and is responsible for their official acts.¹⁸

The office of auditor was created in Posey County by an act of 1841 and became a constitutional office when the Constitution of 1851 was adopted. Under the act of 1841 the auditor was elected by the voters of the county for a five-year term.¹⁹

Most of the early duties of the auditor were transferred to him from the clerk of the circuit court,²⁰ and included the clerk's previous duties as clerk of the board doing county business,²¹ as member of the boards performing duties similar to those of the present county board of review,²² duties concerning taxation, finance, and county business,²³ duties con-

¹⁵ 1 Rev. Stat. 1852, Acts 1855, 1925; Burns 49-501; Baldwin 13108. Acts 1933, 1935, 1937; Burns, 1939 suppl., 49-1002; Baldwin, 1937 suppl., 7532. *Opinions of the Attorney General of Indiana*, 1934, p. 256; 1937, p. 324.

¹⁶ 1 Rev. Stat. 1852, Acts 1855, 1925; Burns 49-501; Baldwin 13108.

¹⁷ 1 Rev. Stat. 1852; Burns 49-502; Baldwin 13109.

¹⁸ 1 Rev. Stat. 1852; Burns 49-503; Baldwin 13110. Acts 1933, 1935, 1937; Burns, 1939 suppl., 49-1002; Baldwin, 1937 suppl., 7532.

¹⁹ Const. 1851, art. 6, sec. 2. Acts 1840-41 (general), ch. 2, sec. 1. *Jones v. Cavins* (1852), 4 Ind. 305.

²⁰ *Jones v. Cavins* (1853), 4 Ind. 305.

²¹ Acts 1816-17, ch. 15, sec. 6. Rev. Laws 1824, ch. 15, sec. 5; ch. 16, sec. 6. Rev. Laws 1831, ch. 20, sec. 6. Acts 1840-41 (general), ch. 2, secs. 8, 54. Rev. Stat. 1843, ch. 7, secs. 5, 16, 17, 53.

²² Acts 1817-18 (general), ch. 42, sec. 12. Rev. Laws 1824, ch. 86, sec. 7. Acts 1825, ch. 47, sec. 3. Rev. Laws 1831, ch. 81, secs. 5, 7, 8. Acts 1838-39 (general), ch. 14, secs. 14, 15.

²³ Acts 1807, ch. 2, sec. 8; ch. 51, sec. 8; ch. 52, sec. 1; ch. 92, secs. 1, 2, 8-12. Acts 1810, ch. 47. Acts 1811, ch. 35, secs. 1, 5-8; ch. 37, secs. 3, 6. Acts 1813, ch. 8, secs. 6, 9, 11; ch. 21, sec. 1. Acts 1813-14, ch. 26, sec. 8; ch. 32, sec. 3. Acts 1815, ch. 5, secs. 5, 13, 17; ch. 10, secs. 1-3. Rev. Laws 1824, ch. 23, sec. 6; ch. 86, secs. 7, 10, 11, 17, 19, 29, 36, 41. Acts 1825, ch. 49, sec. 2. Acts 1825-26, ch. 58, sec. 2. Acts 1829-30, ch. 9, sec. 1. Acts 1831-32, ch. 174, sec. 1. Acts 1834-35 (general), ch. 10, sec. 5; ch. 11, secs. 5, 18. Rev. Stat. 1838, ch. 91, sec. 26; ch. 95, sec. 1. Acts 1840-41 (general), ch. 2, sec. 54.

cerning the empanelling of petit jurors and grand jurors,²⁴ and duties concerning elections.²⁵

From 1818 to 1852 Posey County had a county agent, appointed by the board doing county business. He performed various duties concerning county business, as required by the board, including the collection of donations for the county, purchase of land, equipment, and supplies, the sale of county property and collection of the purchase price thereof, and the making of contracts for public improvements. Originally he was appointed for an indefinite term. From 1843 until 1852 he was appointed for a three-year term. In 1852 his office was abolished and his duties were transferred to the auditor.²⁶

FUNCTIONS AND RECORDS

The auditor is the financial agent of the county and the routine administration of county affairs centers in his office, through which all financial transactions are conducted.

Claims against the county (for consideration by the board of commissioners) are filed with the auditor and presented by him to the board of commissioners.²⁷ He makes certificates showing claimant's compliance with his contract.²⁸ He publishes all such claims and allowances thereon and also all allowances against the county made by courts.²⁹ On appeals from decisions of the board of commissioners, the auditor approves the appeal bond, prepares the transcript of

²⁴ Acts 1841-42 (general), ch. 45, sec. 6. 2 Rev. Stat. 1852, pt. 1, ch. 9, sec. 1, p. 24. Acts 1853, ch. 59, sec. 1. These duties were discontinued in 1881. Acts 1881 (Spec. Sess.), 1899, 1913; Burns 4-3301, 4-3304, 4-3306; Baldwin 1266, 1267, 1270.

²⁵ Acts 1807, ch. 84, sec. 3. Acts 1811, ch. 16, secs. 2, 12. Acts 1813-14, ch. 33, sec. 13. Acts 1816-17, ch. 9, secs. 12-14, 16, 19; ch. 14, sec. 4. Rev. Stat. 1838, ch. 32, secs. 18, 19. Acts 1834-35 (general), ch. 43, sec. 1. Acts 1841-42 (general), ch. 45, sec. 8. Rev. Stat. 1843, ch. 5, sec. 103. Acts 1875, ch. 7, sec. 1. Acts 1881 (Spec. Sess.), ch. 47, sec. 13. Acts 1908 (Spec. Sess.), ch. 2, sec. 1. Acts 1911, ch. 7, sec. 5; ch. 150, secs. 5, 13 (both sections repealed by Acts 1913, ch. 185, sec. 25).

²⁶ Acts 1817-18 (special), ch. 1, sec. 2; ch. 2, sec. 1. Rev. Laws 1824, ch. 93, secs. 1, 2, 4, 6, 8, 9. Acts 1841-42 (general), ch. 67, sec. 2. Rev. Stat. 1843, ch. 4, sec. 48. Acts 1851-52 (special and local), ch. 2.

²⁷ Acts 1879 (Spec. Sess.); Burns 26-805.

²⁸ Acts 1899; Burns 26-538; Baldwin 5403.

²⁹ Acts 1875, ch. 18, sec. 1. Acts 1899; Burns 26-816; Baldwin 5268. Acts 1931; Burns 26-817 to 26-819; Baldwin 5269 to 5271. *Cheney v. State ex rel. Risk* (1905), 165 Ind. 121, 74 N. E. 892.

proceedings, and transmits the bond, transcript, and all documents to the reviewing court.³⁰

Funds in the county treasury are disbursed on warrants drawn by the auditor on the county treasurer.³¹ The auditor publishes a call for redemption of interest-bearing warrants, when money is available therefor.³² Treasurer's receipts for payments other than for taxes are deposited by the payers with the auditor, who issues quietuses therefor.³³ All re-deemed warrants are deposited quarterly by the treasurer with the auditor, for permanent filing.³⁴

When the auditor draws a warrant he charges it against the appropriation and particular fund under which it was drawn. Apportionment is made if more than one fund or appropriation is involved.³⁵ Records of the warrants are kept in the manner prescribed by the state board of accounts. Formerly the number, date, amount, name of payee, and purpose of the warrant were entered in a book as prescribed by statute.³⁶ The auditor examines and settles all accounts and demands chargeable against the county which no law requires to be settled and allowed by some other tribunal or person.³⁷ Before issuing a warrant or quietus the auditor must examine the account to ascertain whether it is correct and in proper form; and for this purpose may require the furnishing of information, vouchers, and exhibits sufficient to satisfy himself.³⁸ The action of mandamus lies to compel the auditor to draw a warrant on the county treasury.³⁹

On claims allowed by courts for cost of administration

³⁰ 1 Rev. Stat. 1852; Burns 26-902, 26-903; Baldwin 5278, 5279. *Scotten v. Divelbiss* (1874), 46 Ind. 301; *Shirk v. Moore* (1894), 96 Ind. 199; *Strebin v. Lavengood* (1904), 163 Ind. 478, 71 N. E. 494; *Smith v. Gustin* (1907), 169 Ind. 42, 81 N. E. 722.

³¹ 1 Rev. Stat. 1843, ch. 7, secs. 76, 79. Acts 1899, 1935; Burns, 1939 suppl., 26-522; Baldwin, 1935 suppl., 5386. Acts 1889; Burns 49-3007; Baldwin 5420. 1 Rev. Stat. 1852; Burns 49-3103, 49-3111; Baldwin 5550, 5558. Acts 1937; Burns, 1939 suppl., 61-627; Baldwin, 1937 suppl., 13844-48.

³² Acts 1889; Burns 49-3007, 49-3008; Baldwin 5420, 5421.

³³ Rev. Stat. 1843, ch. 7, sec. 77. 2 Rev. Stat. 1852, Acts 1891; Burns 49-2710; Baldwin 1437. 1 Rev. Stat. 1852; Burns 49-3010, 49-3104; Baldwin 5423, 5551.

³⁴ Rev. Stat. 1843, ch. 7, sec. 85. 1 Rev. Stat. 1852; Burns 49-3114; Baldwin 5561.

³⁵ Acts 1899; Burns 26-544; Baldwin 5409.

³⁶ 1 Rev. Stat. 1852; Burns 49-3005; Baldwin 5419. Acts 1909; Burns 60-202; Baldwin 13855. Interview of August 15, 1939 with E. P. Brennan, state examiner.

³⁷ Rev. Stat. 1843, ch. 7, sec. 56. 1 Rev. Stat. 1852; Burns 49-3005; Baldwin 5419.

³⁸ Acts 1909; Burns 60-215; Baldwin 13866.

³⁹ *Gill v. State ex rel. Board of County Comrs.* (1880), 72 Ind. 266.

of justice,⁴⁰ and on claims (including claims on judgments) allowed by the board of commissioners, the auditor issues his warrant.⁴¹ But a warrant may be issued to pay a judgment, or for management of the school fund, or insanity inquests, or salaries or other liabilities for specific amounts fixed by law, when no claim therefor has been allowed as aforesaid.⁴² A warrant not called for within five years after the allowance of the claim on which it was drawn may be cancelled by the board of commissioners, if not called for after publication of notice.⁴³

The auditor is clerk of the board of commissioners,⁴⁴ the county council,⁴⁵ and the county board of tax adjustment,⁴⁶ and is secretary of the board of finance.⁴⁷ He is also a member and secretary of the county board of review,⁴⁸ and a member of the county school fund board.⁴⁹ From 1841 to 1890 he was a member of the boards performing duties analogous to those of the present county board of review.⁵⁰ Formerly the auditor was a member of the election board under

⁴⁰ Acts 1921, 1935; Burns, 1939 suppl., 4-3107; Baldwin, 1935 suppl., 1256. Acts 1881 (Spec. Sess.), 1903, 1913, 1927, 1933; Burns 4-3319, 4-3407; Baldwin 1277, 1286. Acts 1921, 1939; Burns, 1939 suppl., 4-3507; Baldwin, 1939 suppl., 1298-1. Acts 1893; Burns 4-3511; Baldwin 1300. Acts 1905; Burns 9-1312 to 9-1315; Baldwin 2233 to 2236. 1 Rev. Stat. 1852; Burns 9-2403; Baldwin 1306. Acts 1899; Burns 26-515, 26-527, 26-616; Baldwin 5379, 5391, 5268. Acts 1931; Burns 26-817, 26-818; Baldwin 5269, 5270. Acts 1895, 1905, 1915, 1919; Burns 49-1311; Baldwin 7570. Acts 1879 (Spec. Sess.); Burns 49-1432, 49-1434; Baldwin 13127, 13128. 2 Rev. Stat. 1852; Burns 49-2709, 49-2804; Baldwin 1436, 5496.

⁴¹ Rev. Stat. 1843, ch. 7, secs. 76, 79. Acts 1897; Burns 26-809; Baldwin 5257. Acts 1911; Burns 26-813, 26-814; Baldwin 5264, 5265.

⁴² Acts 1897; Burns 26-809; Baldwin 5257. 1 Rev. Stat. 1852; Burns 49-3005; Baldwin 5419. *Blue v. State ex rel. Powell* (1936), 210 Ind. 426, 1 N. E. (2d) 122.

⁴³ Acts 1879 (Spec. Sess.); Burns 26-815; Baldwin 5273.

⁴⁴ Acts 1840-41 (general), ch. 2, secs. 8, 54. Rev. Stat. 1843, ch. 7, secs. 5, 16, 17, 53. Acts 1855, ch. 37, sec. 1. 1 Rev. Stat. 1852; Burns 26-611, 26-621, 49-3004; Baldwin 5226, 5238, 5418.

⁴⁵ Acts 1899; Burns 26-509; Baldwin 5373.

⁴⁶ Acts 1932 (Spec. Sess.), ch. 10, sec. 4. Acts 1933, ch. 237, sec. 4. Acts 1937; Burns, 1939 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.

⁴⁷ Acts 1937; Burns, 1939 suppl., 61-629; Baldwin, 1937 suppl., 13844-50.

⁴⁸ Acts 1891, ch. 99, secs. 114, 116. Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

⁴⁹ Acts 1865, 1935; Burns, 1939 suppl., 28-209; Baldwin, 1935 suppl., 6558.

⁵⁰ Acts 1838-39 (general), ch. 14, secs. 14, 15. Acts 1840-41 (general), ch. 1, secs. 13, 18. 1 Rev. Stat. 1852, ch. 6, sec. 91; ch. 35, sec. 2. Acts 1872 (Spec. Sess.), ch. 37, secs. 150, 277, 278. Acts 1877, ch. 89, sec. 1. Acts 1881 (Spec. Sess.), ch. 96, sec. 129.

the local option liquor laws,⁵¹ and was clerk of the old-age pension board.⁵²

The township trustees quadrennially meet in the office of the auditor for the purpose of electing a county superintendent of schools. After notice given by the auditor, the trustees meet there at any time to fill a vacancy in such office. The auditor is clerk of the election and keeps a record thereof. In case of a tie vote the auditor casts the deciding vote. The person elected files his oath of office and official bond with the auditor, who approves the bond. The auditor reports the election to the state superintendent of public instruction.⁵³

If on account of death, sickness, or other casualty the judge of the circuit court fails for three consecutive days to attend court during termtime, the auditor, sheriff, and clerk of the circuit court, acting together, may appoint a temporary judge to serve until the return of the regular judge or until his successor is named.⁵⁴

The auditor was authorized to fill vacancies in the former office of real estate appraiser.⁵⁵

When an election is held to change the boundaries of counties, the clerk of the circuit court of each of the affected counties makes out certified copies of the election returns and files them in the office of the auditor of each of such counties. The auditor and board of commissioners in each county then examine the returns, and if the proposed change of boundaries was carried at the election, the auditor enters an order to that effect in the order book of the board of commissioners.⁵⁶ The auditor makes a certificate of tax levies for the purpose of raising funds from the detached territory to pay the debts of the county from which it was detached.⁵⁷

⁵¹ Acts 1908 (Spec. Sess.), ch. 2, sec. 5. Acts 1911, ch. 7, sec. 5. *Kunkle v. Coleman* (1910), 174 Ind. 315, 92 N. E. 61.

⁵² Acts 1933, ch. 36, secs. 2, 9, 12 (all repealed by Acts 1936 (Spec. Sess.), ch. 2, sec. 129).

⁵³ Acts 1873, ch. 25, sec. 2. Acts 1899, 1911, 1913; Burns 28-702; Baldwin 5931. *State ex rel. Nebecker v. Sutton* (1894), 99 Ind. 300; *State ex rel. Laughlin v. Porter* (1888), 113 Ind. 79, 14 N. E. 883; *State ex rel. Williams v. Edwards* (1888), 114 Ind. 581, 16 N. E. 627; *State ex rel. Drummond v. Dillon* (1890), 125 Ind. 65, 25 N. E. 136; *State ex rel. Morris v. McFarland* (1893), 149 Ind. 266, 49 N. E. 5.

⁵⁴ Acts 1881 (Spec. Sess.); Burns 4-3103; Baldwin 1261.

⁵⁵ Acts 1858 (Spec. Sess.), ch. 2, sec. 1.

⁵⁶ Acts 1875; Burns 26-201; Baldwin 5032.

⁵⁷ Acts 1875; Burns 26-204, 26-205; Baldwin 5035, 5036.

Under former laws the auditor delivered to the clerk of the circuit court the various papers involved in election contests heard by the board of commissioners, together with a transcript of the proceedings of the board;⁵⁸ he prepared blank forms of poll books and election returns, and delivered them to the inspectors of the election precincts;⁵⁹ after registration was required, he delivered the election supplies to the registration inspector of each precinct;⁶⁰ he kept the completed registration books and forms in his office, open to public inspection;⁶¹ and he filed in his office petitions for elections under the local option liquor laws.⁶²

Certified copies of the official oaths of all officers appointed by the board of commissioners, together with certified copies of oaths of such township officers (except justices and constables) as required by the board, are filed with the auditor.⁶³ When a bond is required of such officers, it also is filed with the auditor.⁶⁴ The board of commissioners meets in the office of the auditor, at any time without notice or precept, for the purpose of approving official bonds which are required to be approved by the board.⁶⁵ The official bond of the county assessor is approved by and filed with the auditor; and the assessor's official oath is administered by the auditor and endorsed on said bond.⁶⁶ The official bonds of all township trustees are approved by the auditor.⁶⁷

The auditor and his deputies are authorized to administer all oaths necessary in the performance of their duties.⁶⁸

Formerly petitions to have the surveyor removed from office were filed with the auditor for presentment to the board of commissioners.⁶⁹

⁵⁸ Acts 1316-17, ch. 9, sec. 22. Rev. Laws 1831, ch. 33, secs. 8, 9. Rev. Stat. 1843, ch. 5, sec. 103.

⁵⁹ Acts 1881 (Spec. Sess.), ch. 47, sec. 13.

⁶⁰ Acts 1911, ch. 150, secs. 5 (repealed by Acts 1913, ch. 185, sec. 25).

⁶¹ Acts 1911, ch. 150, sec. 13 (repealed by Acts 1913, ch. 185, sec. 25).

⁶² Acts 1908 (Spec. Sess.), ch. 2, sec. 1. Acts 1911, ch. 7, sec. 5.

⁶³ Rev. Stat. 1843, ch. 4, sec. 84. 1 Rev. Stat. 1852; Burns 49-104; Baldwin 13057.

⁶⁴ Rev. Stat. 1843, ch. 4, secs. 88, 89. 1 Rev. Stat. 1852; Burns 49-105; Baldwin 13058.

⁶⁵ Acts 1851-52; Burns 49-123; Baldwin 13093.

⁶⁶ Acts 1919, 1921; Burns 64-1101; Baldwin 15696.

⁶⁷ Acts 1859, 1889; Burns 65-102; Baldwin 16060. Acts 1915; Burns 65-103; Baldwin 16061.

Copeland v. State *ex rel.* Davis (1890), 126 Ind. 51, 25 N. E. 866.

⁶⁸ 1 Rev. Stat. 1852; Burns 49-3013; Baldwin 5427.

⁶⁹ Rev. Stat. 1843, ch. 10, sec. 4.

Once every six years the township trustees and their assistants enumerate all white male inhabitants of the state over 21 years old.⁷⁰ Books and blanks, together with copies of the law requiring such enumerations, are furnished to the township trustees by the auditor.⁷¹ The trustees' returns are filed in the office of the auditor.⁷² The auditor examines the returns and, by orders recorded in a separate book, corrects any errors, or omissions discovered. For this purpose he may subpoena and question witnesses.⁷³ The auditor then certifies the corrected enumerations to the auditor of state.⁷⁴ Likewise there is an enumeration of colored male inhabitants. Separate lists are made; one is designated "white male inhabitants" and the other "colored male inhabitants."⁷⁵

In each township having a population not exceeding 5,000 (all townships except Black), the office of township assessor has been abolished, and the duties of such office are performed by the township trustee. Reference herein to the township assessor includes the township trustee performing the duties prescribed by statutes for township assessors.⁷⁶

Each township assessor annually prepares lists of all persons in his township who are deaf, dumb, blind, idiotic, or insane, and delivers the lists to the auditor, who reports them to the state department of public welfare.⁷⁷

Formerly the township assessors were required to enumerate the families of soldiers, seamen, and marines in active service, and of those who died or were disabled in active service, and deliver the lists to the auditor.⁷⁸ Formerly

⁷⁰ Acts 1853, ch. 41, secs. 1, 2. Acts 1865 (Spec. Sess.); Burns 65-601 to 65-605; Baldwin 7490 to 7494.

⁷¹ Acts 1844-45 (general), ch. 29, sec. 2. Acts 1853, ch. 41, sec. 2. Acts 1865 (Spec. Sess.); Burns 65-614; Baldwin 7503.

⁷² Acts 1844-45 (general), ch. 29, sec. 3. Acts 1865 (Spec. Sess.), Burns 65-603; Baldwin 7492.

⁷³ Acts 1865 (Spec. Sess.); Burns 65-610; Baldwin 7499.

⁷⁴ Acts 1844-45 (general), ch. 29, sec. 5. Acts 1853, ch. 41, sec. 3. Acts 1865 (Spec. Sess.); Burns 65-611; Baldwin 7500.

⁷⁵ Acts 1877; Burns 65-619, 65-620; Baldwin 7509, 7510.

⁷⁶ Acts 1933; Burns 64-1031; Baldwin 15664.

⁷⁷ Acts 1849-50 (general), ch. 17, sec. 4. Acts 1859, ch. 7, secs. 1, 2. Acts 1891, ch. 99, sec. 54. Acts 1919; Burns 64-607; Baldwin 15575.

The foregoing laws require the report to be made to the state board of charities. In 1936 the duties of that board were transferred to the state department of public welfare. Acts 1936 (Spec. Sess.), ch. 3, sec. 11.

⁷⁸ Acts 1865, ch. 40, secs. 2, 3, 5. Acts 1923, ch. 4, sec. 1.

township trustees made enumerations of children between the ages of five and 21 years and delivered the returns to the auditor, who delivered them to the state superintendent of public instruction.⁷⁹

The auditor keeps an account with each township showing expenditures and tax levies for poor relief, keeps reports of public welfare officials, and keeps records of county welfare funds.⁸⁰

Formerly the auditor, as clerk of the old-age pension board, issued certificates to applicants approved by the board, and delivered duplicates thereof to the auditor of state.⁸¹

Articles of incorporation of humane societies are filed with the auditor and form the basis for the distribution of humane funds on warrants drawn by him.⁸²

Scalps of woodchucks, heads of owls, hawks, and crows, and eggs of crows are presented to the auditor with the statutory affidavits for the purpose of obtaining bounties thereon.⁸³

The auditor compiles budget estimates made by the county officers and boards; keeps them on file for one month, subject to inspection by any taxpayer; and submits them with his recommendations to the county council at its annual meeting.⁸⁴

The clerk of the circuit court, treasurer, sheriff, and recorder must make reports of fees to the auditor quarterly and at the expiration of their terms of office. The treasurer also makes a monthly report of fees to the auditor.⁸⁵ The clerk of the circuit court annually delivers to the auditor a list of all fines and jury fees collected during the preceding year, and also a list of all fees in his hands which have remained unclaimed for two years, and the auditor enters such

⁷⁹ Rev. Stat. 1843, ch. 15, sec. 25. Acts 1846-47 (general), ch. 94, sec. 2. Acts 1855, ch. 86, sec. 26.

⁸⁰ Acts 1895, ch. 120, sec. 2. Acts 1897, ch. 151, sec. 1 (repealed by Acts 1901, ch. 147, sec. 39). Acts 1901, ch. 147, secs. 11, 12, 19, 20 (all repealed by Acts 1935, ch. 116, sec. 38). Acts 1907, ch. 161, sec. 1 (repealed by Acts 1935, ch. 116, sec. 38). Acts 1935; Burns, 1939 suppl., 52-158; Baldwin, 1935 suppl., 13320-15. Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1402; Baldwin, 1937 suppl., 14078-114.

⁸¹ Acts 1933, ch. 36, sec. 12 (repealed by Acts 1936 (Spec. Sess.), ch. 3, sec. 129).

⁸² Acts 1913; Burns 9-2504, 9-2505; Baldwin 3805, 3806.

⁸³ Acts 1883; Burns 26-1102; Baldwin 5289. Acts 1911; Burns 26-1103; Baldwin 3802.

⁸⁴ Acts 1899; Burns 26-516 to 26-520; Baldwin 5380 to 5384. Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1939 suppl., 64-1331, 64-1339; Baldwin, 1935 suppl., 15735, 15737-1.

⁸⁵ Acts 1895, 1903, 1913; Burns 49-1402; Baldwin 7577. Acts 1919; Burns 64-2101; Baldwin 15802.

lists on the order book of the board of commissioners and issues a *quietus* for the items of such lists which have been paid over to the treasurer.⁸⁶

The auditor furnishes all county officials with books, stationery, and blanks required in doing the public business pertaining to the auditor's office.⁸⁷

Specifications, bids, and contracts for materials and supplies required for county officials for the ensuing year are placed on file and kept in the auditor's office where they are open to public inspection.⁸⁸

When the county borrows money, the bonds or notes are executed by the county commissioners and are attested, advertised, and sold by the auditor. Printed copies of the ordinance authorizing the bond issue, together with specifications describing the bonds, are kept on file in the auditor's office, open to public inspection.⁸⁹ If the amount of a bond issue exceeds \$5,000, and if 10 taxpayers file objections with the auditor, the objections will be certified by the auditor to the state board of tax commissioners for hearing and disposition.⁹⁰ Contracts for extension of time for payment of county or township bonds by issuance of "redemption bonds" are executed by the county commissioners and attested by the auditor, and one executed copy is kept by the auditor; and the auditor keeps a record of redemption bonds issued in pursuance of such contract.⁹¹

The auditor, as relator, may sue, in the name of the state, to recover money owing to the county;⁹² and the auditor may compromise the suits brought by him and receive the money agreed to be paid.⁹³

⁸⁶ Acts 1841-42 (general), ch. 45, sec. 3. 2 Rev. Stat. 1852, Acts 1891; Burns 49-2710; Baldwin 1437.

⁸⁷ Acts 1879 (Spec. Sess.); Burns 49-3018; Baldwin 5434.

⁸⁸ Acts 1899, 1903, 1933; Burns 26-536; Baldwin 5401.

⁸⁹ Acts 1899, 1921; Burns 26-540; Baldwin 5405.

⁹⁰ *Ibid.*, Acts 1919, 1920 (Spec. Sess.), 1921, 1923; Burns 64-1332; Baldwin 15736.

⁹¹ Acts 1933; Burns 26-1015 to 26-1017; Baldwin 5353 to 5355.

⁹² 1 Rev. Stat. 1852; Burns 49-3017; Baldwin 5431. *Rogers v. Gibson* (1860), 15 Ind. 218; *Scotten v. State ex rel. Simonton* (1875), 51 Ind. 52; *Yater v. State ex rel. Board of County Comrs.* (1877), 58 Ind. 299; *Hostetler v. State ex rel. Dean* (1878), 62 Ind. 183; *Vanarsdall v. State ex rel. Watson* (1879), 65 Ind. 176; *Gauntt v. State ex rel. Stout* (1881), 81 Ind. 137; *Heagy v. State ex rel. Forkner* (1882), 85 Ind. 260; *Demarest v. Holdeman* (1901), 157 Ind. 467, 62 N. E. 17.

⁹³ *Cabel v. McCafferty* (1876), 53 Ind. 75; *Vigo Twp. v. Board of County Comrs.* (1887), 111 Ind. 170, 12 N. E. 305.

The auditor of state prepares maps or plats of the lands belonging to the state and located in the county, known as the swamp and indemnity lands, saline lands, and the lands escheated or forfeited to the state, and delivers them to the county auditor, who causes an appraisal thereof, registers the lands in a book kept for that purpose, and records the sales of such lands.⁹⁴

The auditor prepares the ditch duplicate showing special assessments against lands for construction or repair of ditches and drains.⁹⁵ Assessments for flood gates⁹⁶ and for cutting or eradicating of Canada thistles⁹⁷ are placed on the tax duplicate by him. Formerly petitions for drainage and levee improvements were filed with the auditor and he gave notice to viewers and kept a record of all proceedings concerning such improvements.⁹⁸

The board doing county business has always had power to establish, construct, repair, and vacate county roads.⁹⁹ The auditor, being clerk of said board, has, accordingly, kept a record of road proceedings.¹⁰⁰ Road petitions are filed with the auditor for presentment to the board of commissioners.¹⁰¹ When road viewers are appointed by the board, the

⁹⁴ 1 Rev. Stat. 1852, ch. 194, sec. 13. Acts 1855, ch. 85, secs. 1, 4. Acts 1883, ch. 124, sec. 2. Acts 1889; Burns 62-205 to 62-209; Baldwin 15272 to 15275.

⁹⁵ Acts 1881 (Spec. Sess.), ch. 43, sec. 5 (repealed by Acts 1885 (Spec. Sess.), ch. 40, sec. 13). Acts 1833; Burns 27-134; Baldwin 5770. *Storms v. Stevens* (1885), 104 Ind. 46, 3 N. E. 401; *Lockwood v. Ferguson* (1886), 105 Ind. 280, 5 N. E. 3; *Board of County Comrs. v. Fahlor* (1888), 114 Ind. 176, 15 N. E. 830.

⁹⁶ Acts 1803; Burns 27-703; Baldwin 5841.

⁹⁷ Acts 1929, 1937; Burns, 1939 suppl., 15-904; Baldwin, 1957 suppl., 3719.

⁹⁸ Acts 1881 (Spec. Sess.), ch. 44, sec. 2 (repealed by Acts 1885 (Spec. Sess.), ch. 40, sec. 13). Acts 1891, ch. 196, secs. 2, 24. Acts 1897, ch. 138, secs. 1, 4. *Simonton v. Hays* (1882) 88 Ind. 70; *Vizzard v. Taylor* (1884), 97 Ind. 90; *White v. Fleming* (1888), 114 Ind. 569, 16 N. E. 487; *Cooper v. Ray* (1897), 143 Ind. 323, 47 N. E. 668.

⁹⁹ Acts 1807, ch. 44, secs. 1-24. Acts 1811, ch. 29, secs. 1, 2. Acts 1815, ch. 5, secs. 1-20. Acts 1816-17, ch. 8, secs. 1, 4-8, 10, 11, 15, 22. Acts 1817-18 (General), ch. 43, secs. 1, 23. Acts 1818-19, ch. 11, secs. 2, 7, 11, 12. Acts 1819-20, ch. 55, secs. 31, 33. Rev. Laws 1824, ch. 87, secs. 1, 4-7, 9, 12, 15, 24, 25. Rev. Laws 1831, ch. 20, sec. 22; ch. 82, secs. 1, 4, 6, 12, 14, 28, 47. 1 Rev. Stat. 1852, ch. 48. Acts 1881 (Spec. Sess.); chs. 61-64. Acts 1805, 1907; Burns 36-201 *et seq.*; Baldwin 8756 *et seq.* Acts 1919; Burns 36-301 *et seq.*; Baldwin 8859 *et seq.* Acts 1907; Burns 36-401 *et seq.*; Baldwin 8992 *et seq.* Acts 1919; Burns 36-501 *et seq.*; Baldwin 8879 *et seq.* Acts 1933; Burns 36-1101 *et seq.*; Baldwin 8699 *et seq.*

¹⁰⁰ Acts 1921; Burns 36-1451; Baldwin 8954. Acts 1905; Burns 36-1222; Baldwin 8821.

¹⁰¹ Acts 1919, 1921; Burns 36-304; Baldwin 8862.

auditor notifies the viewers and the county surveyor of their appointment and the time and place for their meeting.¹⁰² Reports of road viewers are filed with the auditor and the auditor enters road assessments on the tax duplicate or special assessment roll.¹⁰³ The highway supervisor files with the auditor requisitions (on forms prescribed by the state board of accounts) for all tools, implements, supplies, materials, and equipment needed for county roads.¹⁰⁴ Formerly the auditor annually delivered to the road supervisor a list of land-owners of the county¹⁰⁵ and annually delivered to each township trustee a list of all road taxes assessed against each individual in the township.¹⁰⁶

Petitions for condemnation of schoolhouses, as unfit for use for school purposes, are filed with the auditor. The auditor mails and publishes notices of hearings, and calls special joint sessions of the board of commissioners and county council to hold hearings on such petitions.¹⁰⁷

Formerly every fire insurance company doing business in Indiana, not organized under Indiana laws, was required to make semiannual reports to the county auditor showing premiums received by the company for fire insurance on property in the county and showing all losses paid by the company for the last semiannual period.¹⁰⁸ Formerly financial statements of banks were filed with the auditor.¹⁰⁹

The auditor certifies to the city officials the number of taxable polls therein,¹¹⁰ adds omitted polls to the tax duplicate,¹¹¹ and certifies to the treasurer the amount of excise tax due from financial institutions.¹¹² For excise

¹⁰² Acts 1895, ch. 11, sec. 1. Acts 1905, 1907; Burns 36-1301; Baldwin 8787. *Turpin v. Eagle Creek & L. W. L. G. R. Co.* (1874), 48 Ind. 45.

¹⁰³ Acts 1869 (Spec. Sess.), ch. 35, sec. 3 (repealed by Acts 1929, ch. 215, sec. 73). Acts 1877, ch. 46, sec. 3. Acts 1905, 1907; Burns 36-1301, 36-1305; Baldwin 8787, 8791. Acts 1921; Burns 36-1412; Baldwin 8915. *Florer v. McAfee* (1893), 135 Ind. 540, 35 N. E. 277; *Smyth v. State ex rel. Braun* (1902), 158 Ind. 332, 62 N. E. 449.

¹⁰⁴ Acts 1935; Burns, 1939 suppl., 36-1114; Baldwin, 1939 suppl., 8703-1.

¹⁰⁵ Rev. Stat. 1843, ch. 16, sec. 105.

¹⁰⁶ Acts 1883, ch. 56, sec. 20.

¹⁰⁷ Acts 1931; Burns 23-3002 to 23-3004; Baldwin 6144 to 6146.

¹⁰⁸ Acts 1891, ch. 192, sec. 1. On June 16, 1893 this Act was held unconstitutional. *Henderson v. London & Lancashire Ins. Co.* (1893), 135 Ind. 23, 34 N. E. 565.

¹⁰⁹ Acts 1905, ch. 56, sec. 2 (repealed by Acts 1907, ch. 281, sec. 6).

¹¹⁰ Acts 1905, 1911; Burns 48-6708; Baldwin 11516.

¹¹¹ Acts 1919; Burns 64-2102; Baldwin 15803.

¹¹² Acts 1933; Burns 64-810; Baldwin 15591.

tax purposes, financial institutions deliver to the auditor each month a statement showing the number of its shares, amount of deposits, and kindred information.¹¹³ The auditor is authorized to examine the records of the recorder and clerk of the circuit court to ascertain whether all persons have paid intangible taxes; and for this purpose may interrogate any person under oath and examine private records of such person.¹¹⁴

The excise tax on dogs and dog kennels is administered by the township assessors and the county auditor.¹¹⁵

The auditor issues licenses for peddlers, shows, theaters,¹¹⁶ transient merchants,¹¹⁷ and public warehouses.¹¹⁸ Formerly he issued liquor licenses,¹¹⁹ and received and filed remonstrances against issuance of saloon licenses by the board of commissioners.¹²⁰

The auditor takes a very important part in the administration of the property tax laws. Annually the township assessors file with the auditor all returns of real and personal property made by them, together with all assessment lists, schedules, statements, maps, and other books and papers used by them in making such returns; and the county assessor obtains the same from the auditor to perform the county assessor's duties, but returns them to the auditor for permanent filing.¹²¹ If a taxpayer refuses to make a personal property

¹¹³ Acts 1933, 1935; Burns, 1939 suppl., 64-807; Baldwin, 1935 suppl., 15588.

¹¹⁴ Acts 1933; Burns 64-917; Baldwin 15915.

¹¹⁵ Acts 1897, ch. 119. Acts 1925, ch. 144 (repealed by Acts 1927, ch. 176, sec. 14). Acts 1927, ch. 176 (repealed by Acts 1937, ch. 133, sec. 16). Acts 1923; Burns 16-301, 16-302; Baldwin 3826, 3827. Acts 1937; Burns, 1939 suppl., 16-317; Baldwin, 1937, suppl., 3811-1.

¹¹⁶ 1 Rev. Stat. 1852; Burns 42-204; Baldwin 10447. Acts 1917, 1937; Burns, 1939 suppl., 42-201; Baldwin, 1937 suppl., 10443. Acts 1901; Burns 42-502, 42-503; Baldwin 10470, 10471. Acts 1895; Burns 42-510; Baldwin 10478.

¹¹⁷ Acts 1901; Burns 42-402; Baldwin 10491. The auditor keeps a record of such licenses in a book provided for that purpose, and it is open for public inspection. *Ibid.*

¹¹⁸ Acts 1875, 1879 (Spec. Sess.); Burns 67-201; Baldwin 16206.

¹¹⁹ Acts 1853, ch. 66, sec. 3 (repealed by Acts 1855, ch. 106, secs. 1, 2). Acts 1855, ch. 105, sec. 4, (repealed by Acts 1858 (Spec. Sess.), ch. 15). Acts 1873, ch. 59, sec. 2. *Padgett v. State* (1884), 93 Ind. 396.

¹²⁰ Acts 1905, ch. 6, sec. 1.

¹²¹ Rev. Stat. 1843, ch. 12, secs. 28, 41. Acts 1850-51 (general), ch. 5, secs. 12, 19; ch. 9, secs. 5, 8. Acts 1858 (Spec. Sess.), ch. 2, sec. 20. Acts 1891, ch. 99, secs. 101, 105. Acts 1919; Burns 64-1023, 64-1029, 64-1102; Baldwin 15689, 15694, 15698. Acts 1919, 1925, 1927, 1935, 1937; Burns, 1939 suppl., 64-1019; Baldwin, 1937 suppl., 15635. Interview of May 18, 1939 with E. P. Brennan, state examiner.

tax return or to take an oath required by law, the auditor adds 50 percent to the personal property valuation returned by the assessor.¹²² If a landowner fails to furnish a list of lands within five days after a township assessor has so requested, the auditor must add 25 percent to the valuation of the lands listed by the assessor.¹²³ The auditor assesses omitted property, after giving notice to the taxpayer.¹²⁴ For the purpose of the listing and assessment of omitted property, the auditor may, on filing proper affidavit in the circuit court and obtaining a writ directed to the sheriff, inspect the books and papers of taxpayers.¹²⁵ Acting for the county board of review, he gives notice to taxpayers in order that the board may assess omitted property or raise valuations.¹²⁶ Appeals from the county board of review to the state board of tax commissioners are usually heard in the office of the auditor.¹²⁷ Formerly the auditor annually notified all township assessors to meet in the auditor's office to agree on a uniform rate of assessment.¹²⁸ Formerly railroad companies annually filed with the auditor, for taxation purposes, complete inventories of assets.¹²⁹

The auditor annually makes out and delivers to the township assessors lists of lands entered on the tax duplicates of the previous year, with notations thereon showing all transfers made subsequent to the duplicate and all new entries of land

¹²² Acts 1919; Burns 64-610; Baldwin 15578.

¹²³ Acts 1919; Burns 64-1008; Baldwin 15674.

¹²⁴ Acts 1840-41 (general), ch. 1, sec. 9. Acts 1839, ch. 183, sec. 1. Acts 1919; Burns 64-1402; Baldwin 15739. *Scott v. Knightstown* (1832), 84 Ind. 108; *Lang v. Clapp* (1885), 103 Ind. 17, 2 N. E. 197; *Vandercook v. Williams* (1885), 106 Ind. 345, 1 N. E. 619; *Williams v. Segur* (1885), 106 Ind. 368, 1 N. E. 707; *McKeen v. Haskell* (1886), 108 Ind. 97, 8 N. E. 901; *Board of County Comrs. v. Senn* (1889), 117 Ind. 410, 20 N. E. 206; *Florer v. Sherwood* (1891), 128 Ind. 435, 28 N. E. 71; *Hennel v. Board of County Comrs.* (1892), 132 Ind. 32, 31 N. E. 462; *Florer v. Sheridan* (1894), 137 Ind. 28, 36 N. E. 365; *Cummings v. Stark* (1893), 138 Ind. 94, 34 N. E. 444; *Thiebaud v. Tait* (1894), 138 Ind. 238, 36 N. E. 525; *Eaton v. Union County Nat. Bank* (1895), 141 Ind. 136, 40 N. E. 663; *Buck v. Miller* (1896), 147 Ind. 566, 45 N. E. 647; *Miller v. Vollmer* (1899), 153 Ind. 26, 53 N. E. 949; *Crowder v. Riggs* (1899), 153 Ind. 158, 53 N. E. 1019; *Parkison v. Thompson* (1905), 164 Ind. 609, 73 N. E. 109; *Darnell v. State* (1910) 174, Ind. 143, 90 N. E. 769.

¹²⁵ Acts 1891, ch. 99, sec. 34. Acts 1919; Burns 64-1026; Baldwin 15549.

¹²⁶ Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

¹²⁷ Acts 1919, 1935; Burns, 1939 suppl., 64-1321; Baldwin, 1935 suppl., 15725. State board of tax commissioners, tax rule 6.

¹²⁸ Acts 1889, ch. 103, sec. 1 (repealed by Acts 1891, ch. 99, sec. 259).

¹²⁹ Acts 1891, ch. 99, sec. 83.

not previously entered for taxation.¹³⁰ The auditor makes plats of the several townships showing ownership, improvements, and assessed valuation of the parcels therein. The township assessors write on such plats the ownership and value of each plot of ground and the improvements thereon, and the plat is kept up with all current transactions and transfers.¹³⁰ The auditor keeps a record of all lands classified by the state forester as "forest plantations" or "native forest lands" to obtain special rules or rates for tax assessments.¹³¹

For taxation purposes, the auditor keeps a transfer book, arranged by townships, cities, and towns, showing description of all lands conveyed by deed or partition, names of parties, and post office addresses of grantees. No such conveyance can be recorded by the recorder until after the instrument has been presented to the auditor and he has made an endorsement thereon that the land has been duly entered for taxation or is not taxable.¹³² On the death of a landowner, the heir or devisee may have the auditor make an entry on the tax duplicate to show the change of ownership.¹³³ The auditor corrects on the tax books any errors as to description of property and names of owners.¹³⁴

Forms and instructions for taxation purposes are prescribed by the state board of tax commissioners and delivered to the auditor.¹³⁵ The auditor furnishes the township assessors with all necessary books and blanks for their use in making assessment of real and personal property.¹³⁶ Assessments of omitted real estate by township assessors are filed with the auditor.¹³⁷ The auditor makes assessment of any

¹³⁰ Acts 1840-41 (general), ch. 1, sec. 4; ch. 2, sec. 12. Acts 1841-42, ch. 60, sec. 4. Rev. Stat. 1843, ch. 12, sec. 27. Acts 1859 (Spec. Sess.), ch. 2, sec. 5. Acts 1891, ch. 99, sec. 93. Acts 1919, 1937; Burns, 1939 suppl., 64-1007; Baldwin, 1937 suppl., 15672.

¹³¹ Acts 1899, ch. 256, sec. 9. Acts 1921; Burns 32-304, 32-306; Baldwin 15517-4, 15517-6.

¹³² Rev. Stat. 1843, ch. 12, secs. 23, 25, 26. Acts 1881 (Spec. Sess.), ch. 96, sec. 154.

¹ Rev. Stat. 1852; Burns 49-3214; Baldwin 5478. Acts 1919; Burns 64-1409; Baldwin 15746.

¹³³ Acts 1921; Burns 64-519; Baldwin 14777.

¹³⁴ Acts 1919, 1925, 1927, 1935, 1937; Burns, 1939 suppl., 64-1019; Baldwin, 1937 suppl., 15685. Acts 1919; Burns 64-1025; Baldwin 15692.

¹³⁵ Acts 1919; Burns 64-2803; Baldwin 15866.

¹³⁶ Acts 1858 (Spec. Sess.), ch. 2, sec. 23. Acts 1891, ch. 99, secs. 53, 101. Acts 1903, ch. 29, sec. 32. Acts 1899; Burns 26-543; Baldwin 5408. Acts 1895; Burns 49-1401; Baldwin 7576. Acts 1879 (Spec. Sess.); Burns 49-3018; Baldwin 5434. Acts 1919; Burns 64-1007, 64-1016; Baldwin 15672, 15682.

¹³⁷ Acts 1840-41 (general), ch. 2, sec. 12. Acts 1919, 1925, 1927, 1935, 1937; Burns, 1939 suppl., 64-1019; Baldwin, 1937 suppl., 15685. Acts 1919; Burns 64-1025; Baldwin 15692.

newly-platted land additions to any city or town.¹³⁸

The auditor certifies as to the required number of signers of petitions filed by groups of taxpayers with the state board of tax commissioners to obtain a re-assessment of real estate.¹³⁹

Sworn statements to obtain mortgage exemptions on assessment of real estate are filed with the auditor.¹⁴⁰ Sworn statements of volunteer firemen¹⁴¹ and disabled veterans¹⁴² are also filed with the auditor to obtain tax exemptions. Applications for tax exemptions for educational, charitable, religious, fraternal, literary, and scientific organizations are filed with the auditor, who refers them to the board of review for approval.¹⁴³

Annually the auditor apportions the final assessment of real and personal property among the several taxing units of the county and certifies the same to the county, townships, cities, and towns for the purpose of making tax levies based thereon.¹⁴⁴ After the county council, at its annual meeting, adopts a budget, establishes a tax rate, and makes tax levies for the succeeding calendar year, the auditor schedules the rates for the several municipal corporations in the county, verifies the figures and calculations, and reports the levies to the state board of tax commissioners.¹⁴⁵ The decisions of the state board of tax commissioners on an appeal from the county council's action in adopting budgets and tax levies is certified to the auditor and he certifies it to the taxing units interested therein.¹⁴⁶

¹³⁸ Acts 1919; Burns 64-1027; Baldwin 15691.

¹³⁹ Acts 1919, 1925, 1927, 1935, 1937; Burns, 1939 suppl., 64-1019(a); Baldwin, 1937 suppl., 15685(a).

¹⁴⁰ Acts 1899, ch. 190, secs. 2, 3. Acts 1919, 1939; Burns, 1939 suppl., 64-209 to 64-211; Baldwin, 1939 suppl., 15565 to 15567.

¹⁴¹ 1 Rev. Stat. 1852, ch. 41, sec. 3. Acts 1933, ch. 91, sec. 1. Acts 1935, ch. 302, sec.

1. Acts 1939; Burns, 1939 suppl., 48-6161; Baldwin, 1939 suppl., 12653-1.

¹⁴² Acts 1927; Burns 64-206; Baldwin 10987.

¹⁴³ Acts 1937; Burns, 1939 suppl., 64-213; Baldwin, 1937 suppl., 15518-2.

¹⁴⁴ Acts 1919, 1920 (Spec. Sess.); Burns 64-1329; Baldwin 15733.

¹⁴⁵ Acts 1889; Burns 26-516 to 26-520; Baldwin 5380 to 5384. Acts 1920 (Spec. Sess.); Burns 64-1329; Baldwin 15733. Acts 1919; Burns 64-1330; Baldwin 15734. Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1939 suppl., 64-1331; Baldwin, 1935 suppl., 15735.

¹⁴⁶ Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1939 suppl., 64-1331; Baldwin 1935 suppl., 15735.

Annually each municipal corporation of the county files with the auditor a statement of tax levies and rates for the ensuing year, fixed by such municipal corporations, and copies of the budgets on which such levies are based.¹⁴⁷ At the annual meeting of the board of tax adjustment, the auditor lays before the board these budgets, tax levies, and rates.¹⁴⁸ If the board of tax adjustment does not complete its duties before October 2, or fails to reduce the aggregate amount of the tax levies and rates within the statutory limits, the auditor calculates and fixes the rates and certifies his action to each municipal corporation.¹⁴⁹ The decision of the state board of tax commissioners on an appeal from the action of the board of tax adjustment is certified to the auditor.¹⁵⁰

The auditor certifies to the state board of tax commissioners all emergency appropriations made by the county council, together with tax levies based thereon.¹⁵¹

After the assessment, budgets, tax rates, and tax levies have been made, the auditor makes out and delivers to the treasurer a roll of taxes known and designated as the tax duplicate, and a complete tax abstract of all property listed in each township, city, and town. He keeps a copy of the abstract in his office and delivers another copy thereof to the auditor of state.¹⁵² Semiannually the county auditor delivers to the county treasurer and to the treasurer of each city, town, and township in the county, a complete list of all persons reported as delinquent in the payment of taxes, as shown by the tax duplicate.¹⁵³ Formerly a separate list of delinquent taxes was delivered by the county auditor to the auditor of state, but now, and for many years last past,

¹⁴⁷ Acts 1933; Burns 64-302; Baldwin 15893. Acts 1937; Burns, 1939 suppl., 64-311 Baldwin, 1937 suppl., 15897-5.

¹⁴⁸ Acts 1937; Burns, 1939 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.

¹⁴⁹ Acts 1937; Burns, 1939 suppl., 64-311, 64-314; Baldwin, 1937 suppl., 15897-5, 15897-8.

¹⁵⁰ Acts 1937; Burns, 1939 suppl., 64-314; Baldwin, 1937 suppl., 15897-8.

¹⁵¹ Acts 1899, 1907, 1913, 1937; Burns, 1939 suppl., 26-521; Baldwin, 1937 suppl., 5385. Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1939 suppl., 64-1331; Baldwin, 1935 suppl., 15735.

¹⁵² Acts 1840-41 (general), ch. 1, secs. 12, 14; ch. 2, secs. 17, 22. Rev. Stat. 1843, ch. 12, secs. 44, 50, 51, 133. Acts 1919; Burns 64-1403, 64-1403; Baldwin 15740, 15745. Standard Oil Co. v. Bretz (1884), 98 Ind. 231; Adams v. Davis (1886), 109 Ind. 10, 9 N. E. 102; Smith v. Smith (1902), 159 Ind. 388. 65 N. E. 183.

¹⁵³ Rev. Stat. 1843, ch. 12, sec. 68. Acts 1911, ch. 234, sec. 1. Acts 1919; Burns 64-1505; Baldwin 15767.

the only lists so delivered are those that are set forth in the tax abstract.¹⁵⁴

The auditor annually makes out and records in a book, provided for that purpose, a list of lands delinquent for taxes, charges interest and a penalty of 10 percent thereto, publishes and posts the list with a notice of tax sale, includes a copy of the notice in his record, and certifies on his record the time and manner of such publication and posting.¹⁵⁵ The auditor, in person or by deputy, attends the treasurer's tax sales of delinquent lands, keeps a record of the sales, and issues certificates to the purchasers.¹⁵⁶ The auditor acts as arbiter in case of partial redemption of land from tax sale.¹⁵⁷ When lands are redeemed from tax sale, he issues a certificate of redemption and keeps a record of all redemptions.¹⁵⁸ The auditor executes all tax deeds of land, and keeps a record thereof.¹⁵⁹ He issues a warrant for a refund to persons paying illegal or erroneous taxes and also to purchasers at void tax sales.¹⁶⁰ Annually a list of lands offered at tax sale three years successively, on which there was no bid equal to the amount of taxes due thereon, is prepared by the treasurer, certified by the auditor, and delivered to the prosecuting attorney.¹⁶¹

The state's share of taxes collected by the county treasurer is disbursed to the proper state officers on warrants drawn by the auditor on the county treasury.¹⁶²

¹⁵⁴ Rev. Stat. 1843, ch. 12, sec. 68. Interview of June 29, 1939 with Frank G. Thompson, auditor of state.

¹⁵⁵ Acts 1840-41 (general), ch. 2, secs. 26, 28-30. Acts 1879 (Spec. Sess.), ch. 96, sec. 3. Acts 1883, ch. 76, sec. 1. Acts 1919; Burns 64-2201; Baldwin 15806. Acts 1919, 1931, 1937; Burns, 1939 suppl., 64-2202; Baldwin, 1937 suppl., 15807. *Abbott v. Edgerton* (1876), 53 Ind. 196; *Stropes v. Board of County Comrs.* (1880), 72 Ind. 42.

¹⁵⁶ Acts 1840-41 (general), ch. 2, secs. 33, 34. Rev. Stat. 1843, ch. 12, secs. 97, 122, 123. 1 Rev. Stat. 1852, ch. 6, sec. 177. Acts 1919; Burns 64-2209, 64-2210; Baldwin 15816, 15817. *Gable v. Seiben* (1894), 137 Ind. 155, 36 N. E. 844.

¹⁵⁷ Acts 1919; Burns 64-2308; Baldwin 15826.

¹⁵⁸ Rev. Stat. 1843, ch. 12, secs. 97, 122, 123. Acts 1919; Burns 64-2313; Baldwin 15831.

¹⁵⁹ Acts 1840-41 (general), ch. 2, secs. 37, 44. Acts 1919; Burns 64-2404 to 64-2409; Baldwin 15833 to 15838. *Reid v. State ex rel. Thompson* (1881), 74 Ind. 252; *Smith v. Kyler* (1881), 74 Ind. 575; *Woolen v. Rockefeller* (1881), 81 Ind. 208; *Lancaster v. De Hadway* (1884), 97 Ind. 565; *Rowe v. Peabody* (1885), 102 Ind. 198, 1 N. E. 353.

¹⁶⁰ Acts 1919; Burns 64-1407, 64-2411, 64-2819; Baldwin 15744, 15840, 15881. *Wolfe v. State ex rel. Kennard* (1883), 90 Ind. 16.

¹⁶¹ Acts 1881 (Spec. Sess.), ch. 96, sec. 222. Acts 1919; Burns 64-1518; Baldwin 15772.

¹⁶² Acts 1877, ch. 90, sec. 1. Acts 1907, 1911; Burns 61-620; Baldwin 13824 (repealed by Acts 1935, ch. 70, sec. 42). Acts 1937; Burns, 1939 suppl., 61-626; Baldwin, 1937 suppl., 13844-47.

The auditor manages the common school and Congressional Township school funds,¹⁶³ with the exception of making loans. The school fund board, composed of the auditor, clerk of the circuit court, and another person appointed by the judge of the circuit court, makes all the loans from the school funds.¹⁶⁴ Whenever a school township is divided by a county line, the auditor makes all adjustments of land, accounts, and distribution of pupils.¹⁶⁵ The auditor conducts the sale of school lands¹⁶⁶ (including those previously sold and forfeited by the purchasers thereof).¹⁶⁷ The auditor issues a quitclaim deed whenever there is a defect in the title of the owner of land in a school section resulting from destruction of public records.¹⁶⁸

The auditor keeps a record of all financial transactions of the county. He keeps fee books, cashbooks,¹⁶⁹ warrant books,¹⁷⁰ cancelled warrants,¹⁷¹ tax abstracts,¹⁷² fee reports of county officers,¹⁷³ and township trustees' reports of receipts and disbursements (accompanied by vouchers).¹⁷⁴ He keeps separate accounts for each specific item of appropriation by the county council¹⁷⁵ and an account current, with the treasurer, of county funds.¹⁷⁶ He keeps a record of all the boards of which he is clerk or secretary, and must

¹⁶³ Acts 1855, ch. 86 sec. 155. Acts 1861, ch. 41, secs. 122, 160. Acts 1865, 1907; Burns. 28-101, 28-102, 28-105; Baldwin 6499, 6560, 6511.

¹⁶⁴ Rev. Stat. 1843, ch. 13, sec. 45. Acts 1865, 1935; Burns, 1939 suppl., 28-209; Baldwin, 1935 suppl., 6558. See the essay entitled "County School Fund Board."

¹⁶⁵ Acts 1877 (Spec. Sess.); Burns 28-111 to 28-114; Baldwin 6518 to 6520, 6510.

¹⁶⁶ Acts 1865, 1875; Burns 28-122 to 28-124; Baldwin 6533, 6528, 6529.

¹⁶⁷ Acts 1863, 1865; Burns 28-125, 28-126, 28-129 to 28-133, 28-135 to 28-137, 28-140 to 28-143, 28-145, 28-146; Baldwin 6530, 6538, 6539, 6534, 6535, 6540, 6542 to 6544, 6547 to 6550, 6552, 6554.

¹⁶⁸ Acts 1915; Burns 28-239; Baldwin 5435.

¹⁶⁹ Acts 1840-41 (general), ch. 2, sec. 27. Acts 1891, ch. 194, sec. 121. Acts 1895; Burns 49-1401; Baldwin 7576.

¹⁷⁰ Rev. Stat. 1843, ch. 7, sec. 56. 1 Rev. Stat. 1852; Burns 49-2005; Baldwin 5419.

¹⁷¹ Rev. Stat. 1843, ch. 7, secs. 79, 85. 1 Rev. Stat. 1852; Burns 49-2114; Baldwin 5561.

Interview of June 14, 1929 with E. P. Brennan, state examiner.

¹⁷² Rev. Stat. 1843, ch. 12, secs. 97, 122, 123. Acts 1819; Burns 64-2313; Baldwin 15831.

¹⁷³ Acts 1895, 1903, 1913; Burns 49-1402; Baldwin 7577. 2 Rev. Stat. 1852, Acts 1891; Burns 49-2710; Baldwin 1437.

¹⁷⁴ Acts 1899, 1901; Burns 65-318; Baldwin 16075.

¹⁷⁵ Acts 1899; Burns 26-523; Baldwin 5387.

¹⁷⁶ Acts 1840-41 (general), ch. 2, sec. 10. 1 Rev. Stat. 1852; Burns 49-3010; Baldwin 5423.

Wells v. State *ex rel.* Board of County Comrs. (1864), 22 Ind. 241.

preserve the documents, books, papers, and maps deposited in his office.¹⁷⁷ If any map or plat in his office becomes worn or defaced, he makes a new copy thereof.¹⁷⁸ He takes copies of such maps or plats in the recorder's office as may be necessary for the discharge of the auditor's official duties.¹⁷⁹ He keeps a record of tax sales,¹⁸⁰ tax redemptions,¹⁸¹ tax deeds,¹⁸² the cost of change of venue in judicial proceedings,¹⁸³ and appraisement and sale of certain state lands.¹⁸⁴

Forms for the following books were prescribed for the county auditors by the state board of accounts: Fee and cash-book; tax duplicate; ditch tax duplicate; ditch tax duplicate—10-year payment; moratorium tax duplicate; register of warrants on treasurer; register of quietuses and receipts; distribution record; record of commissioners' allowances; ledger of appropriations and disbursements; ledger of receipts and disbursements; record of receipt and sale of intangible tax stamps; register of banks and savings banks; register of building and loan associations; register of school fund loans; register of school fund interest contracts and record of payments; inventory of school fund loans; record of condition of school funds; register of macadam road bonds and interest paid; bond register; transfer record; venue record; monthly balance record; auditor's financial statement; insolvent record; register of receipts and sales of material—county infirmary; construction record—ruled, printed, punched; register of redemption bonds; bidders' record; work sheet—delinquent tax extension; abstract of delinquent tax 1934 carried to 1935 duplicate; poor

¹⁷⁷ Acts 1840-41 (general), ch. 2, secs. 8, 54. Rev. Stat. 1843, ch. 7, secs. 5, 16, 17, 53; ch. 15, sec. 34. Acts 1883, ch. 56, sec. 1. Acts 1891, ch. 99, secs. 114, 116. 1 Rev. Stat. 1852; Burns 26-611, 26-621, 49-3004; Baldwin 5226, 5238, 5418. Acts 1899; Burns 26-509; Baldwin 5373. Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700. Acts 1937; Burns, 1939 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.

¹⁷⁸ 1 Rev. Stat. 1852; Burns 49-3232; Baldwin 5432.

¹⁷⁹ *Ibid.*

¹⁸⁰ Acts 1877, ch. 90, sec. 1. Acts 1907, 1911; Burns 61-620; Baldwin 13824 (repealed by Acts 1935, ch. 70, sec. 42). Acts 1937; Burns, 1939 suppl., 61-626; Baldwin, 1937 suppl., 13844-47.

¹⁸¹ Rev. Stat. 1843, ch. 13, sec. 45. Acts 1865, 1935; Burns, 1939 suppl., 28-209; Baldwin, 1935 suppl., 6553. See the essay entitled "County School Fund Board."

¹⁸² Acts 1877 (Spec. Sess.), Burns 28-111 to 28-114; Baldwin 6518 to 6520, 6510.

¹⁸³ Acts 1913; Burns 2-1417, 2-1418; Baldwin 199, 200.

¹⁸⁴ 1 Rev. Stat. 1852, ch. 104, sec. 13. Acts 1855, ch. 85, secs. 1, 4. Acts 1883, ch. 124, sec. 2. Acts 1889; Burns 62-206 to 62-209; Baldwin 15272 to 15275.

relief ledger; township poor bond redemption ledger; ledger of poor bond receipts; and auditor's poor claim register.¹⁸⁵

Forms for the following blanks, documents, and reports were prescribed for the county auditors by the state board of accounts: Report of fees collected; claim for burial of soldiers; ordinance of appropriation; estimate of revenues other than taxes; warrants on treasurer; claims against county; dog claims; estimate of county commissioners-general; estimates of county commissioners for orphans' home, tuberculosis hospital, county hospital, and insane hospital; estimates of clerk of the circuit court, auditor, treasurer, recorder, sheriff, surveyor, superintendent of schools, coroner, county assessor, township assessors, prosecuting attorney, highway supervisor, circuit court; auditor's card; report of superintendent of infirmary; report of viewers and engineer; county engineer's monthly estimate; surveyor's claim blank; specifications, bid, and contract for county printing and purchase of supplies; requisition; apportionment of current tax-June settlement; apportionment of current tax-December settlement; apportionment of bank or building and loan tax-June or December settlement; apportionment of delinquent tax-June settlement; apportionment of delinquent tax-December settlement; apportionment of moratorium tax-June or December settlement; distribution sheets-June and December; apportionment of treasurer's fees for collection of delinquent tax-June or December settlement; election to accept extension of school fund loan; contract for installment payments of delinquent interest on school fund loans; agreement for issuance of redemption bond; revised budget estimate of funds-county, township, civil city, civil town, school corporation, and library; estimate of miscellaneous revenue-county general fund, township fund, corporation fund, school corporation fund, school corporation, civil town; June settlement sheets; December settlement sheets; abstract of taxables; notice to bidders; certificate of code compliance; school fund mortgage; journal voucher; auditor's report to commissioners; and kennel license.¹⁸⁶

The state board of accounts was created in 1909.¹⁸⁷ Nearly all of the aforementioned forms were prescribed in 1910 and 1911, though some changes have been made since then.

¹⁸⁵ Acts 1909; Burns 60-202; Baldwin 13855. Interview of May 18, 1939 with E. P. Brennan, state examiner.

¹⁸⁶ *Ibid.*

¹⁸⁷ Acts 1909; Burns 60-202; Baldwin 13855.

Most of the books and records required by the state board of accounts were specifically required by statute; but the board, under its broad statutory powers, has in some instances required books and records, such as the auditor's monthly balance record, not specifically required by statute. The auditor is not required to keep as many separate records now as he did before 1924, since the state board consolidated many of his records that year.¹⁸⁸

AUDITS AND REPORTS

208. FIELD EXAMINERS'S REPORTS, 1912-. 2 f. b.

Reports of audits of county offices by field examiners of state board of accounts, showing dates of audit and report, names of office examined and field examiner, and complete financial statement. Arr. chron. by dates of reports. No index. Hdw. 5 x 4 x 10. Aud. off.

209. TRUSTEE'S REPORT, 1868-. 7 bdl., 27 f. b.

Monthly reports of receipts and disbursements of funds by township trustees, showing date of report, purpose and amounts of receipts and disbursements, balance, and names of fund and trustee. Arr. chron. by dates of reports. No index. Hdw. Bdl., 16 x 10 x 6; f. b., 5 x 4 x 10. Aud. off.

210. [MISCELLANEOUS REPORTS], 1875-. 15 f. b.

Reports submitted to auditor by county and township officials, including:

- i. Township trustees' reports of receipts and disbursements of dog tax collections, showing dates of report and filing, amounts of receipts and disbursements, names of payer, payee and township, and balance of fund.
- ii. Treasurer's reports of conditions of various funds, 1890-, showing dates of report and filing, amounts of receipts and disbursements, balance or overdraft, and county indebtedness.
- iii. School superintendent's reports of apportionment of school revenue, showing dates of report and filing, amount of apportionment, and name of township or school corporation.
- iv. Highway superintendent's reports of expenditures for construction and maintenance of highways, showing dates of report and filing, name of road, and itemized statement of expenditures.

¹⁸⁸ *Ibid.* Interview of May 18, 1939 with E. P. Brennan, state examiner.

Also contains: [Soldier Burial Claims], 1879-1919, entry 17; [Tax Levies], 1900-, entry 179. Arr. chron. by dates of filing. No index. Hdw. and typed. 5 x 4 x 10. Aud. off.

211. TRUSTEES' RECEIPTS OF DOG TAX COLLECTED, 1921-.
2 f. b.

Annual reports of township trustees to auditor of all dog tax collections, showing dates of report and collection, sex, breed and color of dogs, number of dogs owned in township, and amount of tax collection. Arr. chron. by dates of reports. No index. Hdw. 5 x 4 x 10. Aud. off.

212. MAYOR AND J. P. REPORTS, 1935-. 2 f. b.

Reports compiled by justices of peace of fines collected, showing dates of report and filing, names of justice and defendants, and dates and amounts of collections. Arr. chron. by dates of filing. No index. Hdw. 5 x 4 x 10. Aud. off.

RECEIPTS AND DISBURSEMENTS

(See also entries 196-207)

GENERAL FUND

213. MONTHLY BALANCE RECORD, 1911-. 3 vols. (one vol. not labelled, 2, 2).

Auditor's record of monthly balances of all county funds, showing dates of statement and balance, amounts of receipts and disbursements, names of funds, and current balance or overdraft in each fund. Arr. chron. by dates of balances. No index. Hdw. 125 pp. 18 x 14 x 1. Aud. off.

214. LEDGER OF RECEIPTS, APPROPRIATIONS AND DISBURSEMENTS, 1925-. 15 vols.

Record of receipts, appropriations and disbursements of all county funds, showing dates, numbers, amounts and purpose of receipts and disbursements, number and amount of appropriation, names of payer, payee and fund, and balance. This is a combination of two records formerly kept separately: Record of Appropriations and Disbursements, entry 215; Register of Receipts, entry 218. Arr. by funds, thereunder chron. by dates of receipts or disbursements. No index. Hdw. 450 pp. 16 x 24 x 2. Aud. off.

215. RECORD OF APPROPRIATIONS AND DISBURSEMENTS, 1899-1924. 8 vols. Title varies: Appropriation Record and Ledger of Accounts, 1899-1910, 2 vols. 1925- in Ledger of Receipts, Appropriations and Disbursements, entry 214.

Record of appropriations and disbursements therefrom, showing

dates and amounts of appropriations and disbursements, and names of payee and fund. Also contains: Disbursement Record, 1911-24, entry 216. Arr. chron. by dates of disbursements. No index. Hdw. 300 pp. 16 x 14 x 3. SE. stor. rm., 3d fl.

216. DISBURSEMENT RECORD, 1836-1910. 14 vols. Title varies: Journal of Orders, 1836-83, 7 vols.; Register of Orders Issued, 1883-1902, 4 vols. 1911-24 in Record of Appropriations and Disbursements, entry 215.

Record of disbursements of county funds, showing date, number and amount of warrant, and name of fund. Also contains: Register of Allowances, 1836-71, entry 217. Arr. num. by warrant nos. No index. Hdw. 400 pp. 18 x 12 x 2½. SE. stor. rm., 3d fl.

217. REGISTER OF ALLOWANCES, 1872-1911. 6 vols. (three vols. not labelled, 4-6). 1836-71 in Disbursement Record, entry 216.

Record of disbursements of commissioners' allowances, showing date, amount and purpose of allowance, and names of fund and recipient. Arr. chron. by dates of disbursements. No index. Hdw. 250 pp. 18 x 13 x 2. SE. stor. rm., 3d fl.

218. REGISTER OF RECEIPTS, 1883-1924. 6 vols. 1925- in Ledger of Receipts, Appropriation and Disbursements, entry 214.

Register of receipts of county funds, showing date, number, amount, and source of receipt, name of fund, and balance. Also contains: Register of Receipts of School Funds [Common], 1911-24, entry 252; Register of Receipts of School Funds [Congressional], 1911-24, entry 253. Arr. chron. by dates of receipts. No index. Hdw. 100 pp. 18 x 12 x 1. 4 vol., 1883-1916, SE. stor. rm., 3d fl.; 2 vols., 1917-24, aud. off.

219. AUDITOR'S FEE AND CASH BOOK, 1895-. 5 vols. (1-5). Title varies: Register of Auditor's Fees, 1895-1910, 2 vols.

Record of fees collected by auditor for services on instruments, showing date of receipt, name of payer, kind of instrument, amount of fee, and amount paid to county treasurer. No index. Hdw. 225 pp. 18 x 12 x 1½. 3 vols., 1895-1918, SE. stor. rm., 3d fl.; 2 vols., 1919-, aud. off.

220. COUNTY ORDERS, 1900-. 30 f. b.

Duplicate warrants issued on treasurer to pay claims for materials and supplies furnished county, showing date, number, amount and purpose of warrant, and name of payee. Arr. num. by warrant nos. No index. Hdw. and typed. 5 x 4 x 10. Aud. off.

221. VENUE RECORD, 1902-. 1 vol.

Record of costs in causes venued to and from other counties, showing date, number and amount of warrant, names of plaintiff, defendant and foreign county, amount of cost, and cause number. Arr. chron. by dates of warrant. No index. Hdw. 150 pp. 18 x 12 x 1. Aud. off.

222. APPLICATION TO PAY, 1913-. 5 vols.

Triplicate copy of application to pay and quietus, showing date, number, amount and purpose of payment, and name of payer. Arr. num. by application nos. No index. Hdw. 250 pp. 24 x 12 x 1. 2 vols., 1913-18, SE. stor. rm., 3d fl.; 3 vols., 1919-, aud. off.

223. CERTIFICATE OF DISTRIBUTION, 1914-. 4 vols.

Copies of certificates for the semiannual distribution of tax collections to the various taxing units and county funds, showing date of certificate, date and amount of warrant, and names of taxing unit, fund and payee. Arr. num. by certificate nos. No index. Typed. 300 pp. 18 x 12 x 2½. 1 vol., 1914-20, SE. stor. rm., 3d fl.; 3 vols., 1921-, aud. off.

224. WEEKLY REPORTS OF TRANSPORTATION, 1918-. 2 f. b.

Sheriff's reimbursement claims for transportation of prisoners to penal institutions, showing dates of claim and expense incurred, names of prisoner, institution and attending officer, and itemized list of expenses. Arr. chron. by dates of claims. No index. Hdw. 5 x 4 x 10. Aud. off.

225. CIRCUIT COURT ALLOWANCES, 1921-. 3 f. b.

Orders of allowances granted by judge of circuit court, showing date of order and allowance, names of payee and court, and amount and purpose of allowance. Arr. chron. by dates of allowances. No index. Hdw. 5 x 4 x 10. Aud. off.

226. REGISTER OF WARRANTS, 1930-. 6 vols.

Duplicates of warrants drawn for disbursement of funds, showing date, number, amount and purpose of warrant, appropriation and warrant numbers, and names of payee and depository. Arr. num. by warrant nos. No index. Typed. 600 pp. 18 x 12 x 4. Aud. off.

227. CANCELLED CHECKS, 1931-. 6 f. b.

Cancelled checks issued against county funds and paid by depositories, showing date, number, amount and purpose of check, names of payee and depository, and date of cancellation. Arr. chron. by dates of cancellations. No index. Hdw. and typed. 5 x 4 x 10. Aud. off.

228. TREASURER'S RECEIPTS, 1932-. 8 f. b.

Receipts issued by treasurer for money paid to county and

filed with auditor to obtain quietuses, showing date, number, amount and purpose of receipt, and name of payer. Arr. chron. by dates of receipts. No index. Hdw. 5 x 4 x 10. Aud. off.

229. [DUPLICATES OF QUIETUSES], 1935-. 1 vol.

Duplicates of quietuses issued by auditor upon presentation of treasurer's receipts for money paid to county, showing date, number, amount and purpose of quietus, and names of payer and fund. Arr. chron. by dates of quietuses. No index. Typed. 100 pp. 18 x 14 x 2½. Aud. off.

230. LEDGER, 1841-83. 2 vols. Discontinued.

Daily recapitulation of receipts and disbursements, showing date of recapitulation, name of fund, amounts of receipts and disbursements, and balance or overdraft. Arr. chron. by dates of recapitulation. No index. Hdw. 200 pp. 16 x 12 x 2. SE. stor. rm., 3rd fl.

POOR FUND

231. LEDGER OF POOR FUNDS, 1841-45, 1897-1911, 1930-. 4 vols.

Register of poor fund claims paid by auditor, showing dates of filing and payment, names of township and claimant, amount and nature of claim, and warrant and trustee's claim numbers. Arr. chron. by dates of claims. No index. Hdw. 316 pp. 20 x 15 x 2½. 2 vols., 1841-45, 1897-1911, SE. stor. rm., 3d fl.; 2 vols., 1930-, aud. off.

232. POOR RELIEF CLAIMS, 1928-. 30 f. b.

Claims filed for merchandise and services furnished poor relief recipients, showing date, number, amount and nature of claim, names of vendor, recipient and trustee, and date of allowance. Arr. chron. by dates of claims. No index. Hdw. 5 x 4 x 10. Aud. off.

PUBLIC IMPROVEMENTS (see also entries 18-20, 190, 191, 314-350)

233. BLACK RIVER DRAINAGE ASSESSMENTS STUBS, 1930-. 1 f. b.

Stubs and carbon copies of receipts issued for payments of drainage assessments, showing date, amount, number and purpose of receipt, name of property owner, and data concerning assessment. Arr. chron. by dates of receipts. No index. Hdw. 5 x 4 x 10. Aud. off.

234. ROAD RECEIPTS, 1870-1919. 24 f. b.

Receipts issued by road superintendent to property owners who have worked on roads in lieu of paying road taxes, showing date and number of receipt, names of property owner and road superintendent, and amount allowed for labor. Arr. chron. by dates of receipts. No index. Hdw. 5 x 4 x 10. Aud. off.

TAXES

APPRAISEMENTS

235. TRANSFER BOOK, 1849-. 79 vols. (dated).

Record of ownership and transfers of titles to real property, showing date of transfer, names of owner, grantee and grantor, and location, description and assessed valuation of property. Arr. alph. by names of present owner. No index. Hdw. 150 pp. 18 x 12 x 2. Aud. off.

ASSESSMENT LISTS

236. ASSESSOR'S BOOK, 1851-. 989 vols.

Record of all real and personal property assessed, showing names of owner and taxing unit, location, description and assessed valuation of land, lots and improvements, assessed valuation of personal property, number of polls, and deductions allowed for mortgage exemptions. Arr. by taxing units, thereunder alph. by names of property owners. No index. Hdw. 100 pp. 18 x 12 x $\frac{1}{2}$. 720 vols., 1851-1918, attic stor. rm.; 54 vols., 1919-28, recr. off.; 215 vols., 1929-, aud. off.

237. REAL ESTATE ASSESSMENTS, 1891-. 116 vols. (dated).

Assessment lists of all real property subject to taxation, showing date and amount of assessment, name and address of owner, location, description and valuation of real property, and name of taxing unit. Arr. alph. by names of owners. No index. Hdw. 500 pp. 16 x 10 x 3. 100 vols., 1891-1932, attic stor. rm.; 16 vols., 1932-, treas. off.

238. ASSESSMENT LIST, 1833-. 1,504 vols. 15 bdl. (dated).

Assessment lists of intangibles and personal property subject to taxation, showing date, number and amount of assessment, name, age, occupation and address of owner, name of taxing unit, description of property, and valuations by owner and assessor. Arr. by taxing units, thereunder alph. by names of owners. No index. Hdw. Vols., 330 pp. 16 x 10 x 2; bdl., 16 x 10 x 5. 1,420 vols., 1833-1935, attic stor. rm.; 84 vols., 1936-38, treas. off.; 15 bdl., 1939-, assr. off.

EXEMPTIONS

239. AFFIDAVITS OF MORTGAGE EXEMPTIONS, 1900-. 27 vols.

Original affidavits of mortgage indebtedness filed with auditor to obtain tax exemptions, showing date of affidavit, names of affiant, taxing unit and mortgagee or assignee, location and description of property, and amount of mortgage. Arr.

by taxing units, thereunder alph. by names of affiant. No index. 250 pp. 18 x 12 x 2. 11 vols., 1900-24, SE. stor. rm. 3d fl.; 6 vols., 1925-30, assr. off.; 10 vols., 1931-, aud. off.

240. SOLDIERS' AFFIDAVITS OF MORTGAGE EXEMPTION, 1924-.
3 f. b.

Original affidavits of soldiers or widows of deceased soldiers, filed to secure tax exemptions, showing date of affidavit, name, age and service record of affiant, name of taxing unit, location and description of property, and amount of exemption. Arr. chron. by dates of affidavits. No index. Hdw. 5 x 4 x 10. Aud. off.

DUPLICATES

241. TAX DUPLICATE [and Delinquent List], 1877-1914. 76 vols. (dated). Discontinued.

Record compiled annually by auditor of all taxes payable, showing duplicate number, names of taxing unit and property owner, location, description and assessed valuation of property, amounts of real and personal property, poll tax, special assessments and exemptions, and amounts paid and returned delinquent. This is a combination of two records formerly kept separately: Tax Duplicate, entry 242; Delinquent List, entry 246. Arr. by taxing units, thereunder alph. by names of property owners. No index. Hdw. 600 pp. 18 x 24 x 3. 56 vols., 1877-1904, aud. off.; 20 vols., 1905-14, SE. stor. rm., 3d fl.

242. TAX DUPLICATE, 1841-76. 61 vols. (dated). 1877-1914 in Tax Duplicate [and Delinquent List], entry 241.

Record compiled annually by auditor of all taxes payable, showing duplicate number, names of taxing unit and property owner, location, description and assessed valuation of property, amounts of real property, personal property, poll tax, special assessments and exemptions, and date and amount of payment. Arr. by taxing units, thereunder alph. by names of property owners. No index. Hdw. 600 pp. 18 x 24 x 3. 49 vols., 1841-70, SE. stor. rm., 3d fl.; 12 vols., 1871-76, aud. off.

DELINQUENT

243. LANDS AND TOWN LOTS SOLD, 1842-. 4 vols.

Record of land and lots offered for sale for payment of delinquent taxes, showing date and amount of sale, names of

owner and purchaser, location and description of property, and conditions of sale. Arr. chron. by dates of sales. No index. Hdw. 119 pp. 16 x 11 x 1. 3 vols., 1842-89, SE. stor. rm., 3d fl.; 1 vol., 1890-, aud. off.

244. TAX CERTIFICATES REDEEMED, 1844-. 10 f. b.

Original certificates of sales of property sold for delinquent taxes redeemed by original owners, showing dates of sale and redemption, names of purchaser and redeemer, location and description of property, and amount of consideration. Arr. chron. by dates of redemptions. No index. Hdw. 5 x 4 x 10. Aud. off.

245. REDEMPTION CERTIFICATES, 1901-. 1 vol.

Stubs of receipts issued for redemption of property sold for delinquent taxes, showing date of redemption, name of property owner, location and description of property, and amount of redemption. Arr. chron. by dates of redemption. No index. Hdw. 200 pp. 16 x 11 x 1. Aud. off.

246. DELINQUENT RECORD, 1841-76. 10 vols. (dated). 1877-1914 in Tax Duplicate [and Delinquent List], entry 241.

Record of delinquent taxes, showing duplicate number, date of delinquency, names of taxing unit and property owner, location, description and assessed valuation of property, and amounts of delinquency, penalty and interest. Arr. by taxing units, thereunder alph. by names of property owners. No index. Hdw. 200 pp. 18 x 12 x 2. Attic stor. rm.

PLATS

247. PLAT BOOK, 1881-. 64 vols.

Plats of real property and assessed valuation of lands, lots and improvements, showing date of record, names of owners and township, valuation of lands, lots and improvements, section numbers, location and description of property, and plat drawing. Arr. num. by section nos. No index. Hdw. 100 pp. 16 x 12 x 2½. 32 vols., 1881-1911, attic stor. rm.; 32 vols., 1912-, aud. off.

SCHOOL FUNDS

(See also entries 68, 77, 182, 183, 205-207)

248. REGISTER OF SCHOOL FUND LOANS, 1851-. 4 vols. (3-6).

Record of loans made from school funds, showing dates of loan, interest payment and maturity, name and address of borrower,

location and description of property, amounts of loan and interest payment, and volume and page reference to School Fund Mortgage Record, 1857-, entry 77. Arr. chron. by dates of loans. No index. Hdw. 400 pp. 18 x 12 x 2½. 1 vol., 1851-1900, SE. stor. rm., 3d fl.; 3 vols., 1901-, aud. off.

249. INVENTORY OF LOANS, 1851-. 1 vol.

Inventories of school fund loans, showing dates of inventory and loan, number and amount of loan, name of fund, amounts of each fund unpaid, interest due, funds represented by forfeited lands, and date to which interest is paid. Arr. chron. by dates of inventories. No index. Hdw. 240 pp. 18 x 16 x 1½. Aud. off.

250. REGISTER OF CONDITIONS AND DISTRIBUTION OF SCHOOL FUNDS, 1912-. 2 vols. (1, 2).

Record of conditions and distribution of common, Congressional and permanent endowment school funds, showing date of balance, amount held in trust, loans and certificates in force, cash in treasury, amount due from county, loans paid, losses paid by county, fines and forfeitures, damages, amount transferred from other counties, miscellaneous sources and total receipts, amount transferred to other counties, loans made, loans absorbed by certificates of purchase, losses sustained by county, and balance. Arr. chron. by dates of balance sheets. No index. Hdw. 250 pp. 16 x 16 x 2. Aud. off.

251. SCHOOL FUND SALES, 1934-. 5 f. b.

Original certificates of sale of real estate sold for nonpayment of school fund loans, showing date and amount of sale, names of owner and purchaser, and location and description of real estate. Arr. chron. by dates of sales. No index. Hdw. 5 x 4 x 10. Aud. off.

252. REGISTER OF RECEIPTS OF SCHOOL FUNDS, [Common], 1855-1910. 1 vol., 1911-24 in Register of Receipts, entry 218.

Record of receipts of principal and interest on common school fund loans, showing date, number and amount of receipt, names of fund and payer. Arr. chron. by dates of loans. No index. Hdw. 200 pp. 18 x 14 x 2½. SE. stor. rm., 3d fl.

253. REGISTER OF RECEIPTS OF SCHOOL FUNDS, [Congressional], 1865-1910. 1 vol., 1911-24 in Register of Receipts, entry 218.

Record of receipts of principal and interest on Congressional school fund loans, showing date, number and amount of receipt, and names of fund and payer. Arr. chron. by dates of loans. No index. Hdw. 200 pp. 18 x 14 x 2½. SE. stor. rm., 3d fl.

254. REGISTER OF ORDERS OF SCHOOL FUNDS, [Common], 1855-.
2 vols.

Record of disbursements of common school funds, showing date, number and amount of order, and name of payee. Arr. num. by order nos. No index. Hdw. 200 pp. 18 x 14 x 2½. 1 vol., 1855-1910, SE. stor. rm., 3d fl.; 1 vol., 1911-, aud. off.

255. REGISTER OF ORDERS OF SCHOOL FUNDS, [Congressional],
1865-. 2 vols.

Record of disbursements of congressional school funds, showing date, number and amount of order, and name of payee. Arr. num. by order nos. No index. Hdw. 200 pp. 18 x 14 x 2½. 1 vol., 1865-1910, SE. stor. rm., 3d fl.; 1 vol., 1911-, aud. off.

256. LEDGER, 1860-1910. 2 vols. Discontinued.

Daily recapitulation of receipts and disbursements of school funds, showing amounts of receipts and disbursements, name of fund, date of recapitulation, and balance. Arr. chron. by dates of recapitulation. No index. 200 pp. 16 x 12 x 2. Attic stor. rm.

OFFICIAL BONDS

(See also entries 24-27)

257. OFFICIAL BONDS, 1877-. 3 vols.

Record of bonds posted by county and township officials to assure faithful discharge of duties, showing date, amount and conditions of bond, and names of official, office and sureties. Also contains: Record of Assessor's Bonds, 1877-1903, entry 259; Record of Trustee Bond, 1877-1903, entry 260. Arr. chron. by dates of bonds. No index. Hdw. 200 pp. 18 x 12 x 1½. 2 vols., 1877-99, SE. stor. rm., 3d fl.; 1 vol., 1900-, aud. off.

258. COUNTY OFFICIALS BONDS, 1877-. 7 f. b.

Original bonds filed by county and township officials to assure faithful performance of duties, showing date, amount and conditions of bond, and names of official, office and sureties. Arr. chron. by dates of bonds. No index. Hdw. 5 x 4 x 10. Aud. off.

259. RECORD OF ASSESSOR'S BONDS, 1870-76, 1904-. 2 vols.
(2 and one vol. not labelled). 1877-1903 in Official Bonds, entry 257.

Record of bonds posted by assessors to assure faithful performance of duties, showing date, amount and conditions of bond, and names of assessor and sureties. Arr. chron. by dates of bonds. Indexed alph. by names of assessors. Hdw. 588 pp. 16 x 12 x 2½. 1 vol., 1870-76, SE. stor. rm., 3d fl.; 1 vol., 1904-, aud. off.

260. RECORD OF TRUSTEE BOND, 1869-74, 1904-. 2 vols.
1877-1903 in Official Bonds, entry 257.

Record of bonds posted by trustees to assure faithful performance of duties, showing date, amount and conditions of bond, and names of trustee, sureties and township. Arr. chron. by dates of bonds. Indexed alph. by names of trustees. Hdw. 588 pp. 16 x 12 x 3. 1 vol., 1869-74, SE. stor. rm., 3d fl.; 1 vol., 1904-, aud. off.

261. RECORD OF BONDS OF SECRETARY OF BOARD OF SCHOOL TRUSTEES, 1904-. 1 vol.

Record of bonds of secretary of board of school trustees, showing date, amount and conditions of bond, and names of secretary of board of school trustees and sureties. Arr. chron. by dates of bonds. Indexed alph. by names of secretaries. Hdw. 480 pp. 16 x 12 x 2½. Aud. off.

MISCELLANEOUS

262. FERRY BONDS, 1899-. 3 f. b.

Bonds filed by operators of ferries, showing date, amount and conditions of bond, names of owner, ferry and sureties, and description and location of ferry. Arr. chron. by dates of bonds. No index. Hdw. 5 x 4 x 10. Aud. off.

263. ELECTION RECORD OF COUNTY SCHOOL SUPERINTENDENT, 1911-. 1 vol.

Minutes of meetings of township trustees in school superintendent's elections, showing date and place of meeting, names of candidates and members present, and results of election. Arr. chron. by dates of meetings. No index. 1911-24, hdw.; 1925-, typed. 385 pp. 14 x 10 x 1. Aud. off.

XVI. REGISTRATION OFFICER

LEGAL STATUS

The clerk of the circuit court serves ex officio as the registration officer of Posey County, under the mandatory provisions of an act of 1933, as amended in 1935.¹

The registration officer may appoint as many deputy registration officers for the county as may be necessary. They are selected, as nearly as practicable, in equal numbers,

¹ Acts 1933, 1935; Burns, 1939 suppl., 29-306; Baldwin, 1935 suppl., 7304.

from the two major political parties, on the written recommendation of the county chairman of each party. They receive a certificate of appointment which they must keep with them when about their official duties, and must take an oath administered by the clerk of the circuit court. The clerk of each city and town in the county is an *ex officio* deputy registration officer. A list of all deputy registration officers is kept in the office of the clerk of the circuit court, and is open to public inspection. All deputy registration officers act under the direction, supervision, and authority of the clerk of the circuit court. The appointed deputies may be removed from office by the clerk at any time.²

For each registration blank or transfer of registration which the clerk of the circuit court fills out and executes, he receives a sum of not to exceed four cents, and in addition thereto he receives reasonable compensation (fixed by the board of commissioners) for the additional services he renders as registration officer.³ Each deputy registration officer receives for his services the sum of not to exceed five cents for each registration blank or transfer of registration which he delivers, properly filled out and executed, to the clerk of the circuit court.⁴

The constitution prescribes the qualifications of voters.⁵ Amendments of the constitution in 1881 and 1926 directed the general assembly to provide for the registration of all persons entitled to vote.⁶

Many laws for registration have been enacted. An act of 1867, establishing a township board of registry, consisting of the township trustee and two freeholders appointed by the board of commissioners,⁷ was repealed in 1869.⁸ Acts of 1899⁹ and 1891,¹⁰ providing for registration in the office of the clerk of the circuit court, were declared unconstitutional in 1890¹¹ and 1892,¹² respectively. An act of 1911,

² *Ibid.*

³ Acts 1933, 1935; Burns, 1939 suppl., 29-329; Baldwin, 1935 suppl., 7327.

⁴ Acts 1933, 1935; Burns, 1939 suppl., 29-306; Baldwin, 1935 suppl., 7304.

⁵ Const. 1851, art. 2, sec. 2.

⁶ *Ibid.*, sec. 14 (as amended in 1881 and 1926).

⁷ Acts 1867, ch. 51, sec. 2.

⁸ Acts 1869 (Spec. Sess.), ch. 31, sec. 1.

⁹ Acts 1889, ch. 87, sec. 13.

¹⁰ Acts 1891, ch. 144, sec. 1.

¹¹ *Morris v. Powell* (1890), 125 Ind. 281, 25 N. E. 221.

¹² *Brewer v. McClelland* (1892), 144 Ind. 423, 32 N. E. 299.

providing for a precinct registration board, consisting of a registration inspector (appointed by the board of commissioners) and two registration clerks (appointed by the registration inspector),¹³ was repealed in 1917.¹⁴ An act of 1917, creating a board of registration commissioners (generally called the "registration board"), consisting of the clerk of the circuit court and two qualified electors appointed by him (one from each of the two major political parties),¹⁵ was repealed in 1919.¹⁶ An act of 1919, creating precinct registration boards,¹⁷ was amended by an act of 1925, creating a registration board consisting of the auditor and a person of opposite political faith appointed by him;¹⁸ and both acts were repealed in 1927.¹⁹ From 1927 until 1933 there was no registration system. Acts of 1933 and 1935 established the present system of registration.²⁰

FUNCTIONS AND RECORDS

Registration of all voters is a requirement for voting at any general election, primary election, city election, or any special election in which all qualified voters of the state may participate. Such registration must be made at least 29 days before the election.²¹ On proper application every person is entitled to register for voting in the precinct in which he resides, provided such person (a) will be at least 21 years old at the next ensuing general election or city election, (b) is a citizen of the United States, and (c) will, at the time of such election (if he continues to reside in the same precinct), have resided in the state six months, in the township 60 days, and in the precinct 30 days.²²

The registration officer has full charge and control of the registration of the voters and provides all the necessary

¹³ Acts 1911, ch. 150, secs. 3-15.

¹⁴ Acts 1917, ch. 139, sec. 47.

¹⁵ *Ibid.*, sec. 4.

¹⁶ Acts 1919, ch. 150, sec. 1.

¹⁷ *Ibid.*, ch. 186, sec. 4.

¹⁸ Acts 1925, ch. 138, sec. 1.

¹⁹ Acts 1927, ch. 195, sec. 1.

²⁰ Acts 1933, 1935; Burns, 1939 suppl., 29-306; Baldwin, 1935 suppl., 7304.

²¹ Acts 1933; Burns 29-301, 29-307; Baldwin 7299, 7305. Acts 1933, 1935; Burns, 1939 suppl.,

29-336; Baldwin, 1935 suppl., 7334.

²² Acts 1933; Burns 29-328; Baldwin 7326.

books and supplies.²³ The deputy registration officers may register voters at such places within the county as the clerk of the circuit court shall designate and which will be deemed most convenient to large numbers of voters without reference to precincts.²⁴ They can administer all oaths required by the registration laws.²⁵

The official registration books consist of the original affidavits of registration, fastened in binders,²⁶ and constitute a permanent registration record. The clerk also keeps a duplicate set of these affidavits.²⁷ The clerk, not later than 10 days before the election, prepares typewritten or photostatic copies of the registration list of each precinct in the county, and delivers one copy to the county chairman of each of the two major political parties. Two copies of the list are delivered to each election inspector, as a part of the sealed package of election supplies, to be used at the polls on election day. Other copies may be publicly inspected at the office of the clerk as soon as they are completed.²⁸

Except as hereinafter otherwise stated, any voter who is a resident of any precinct of this state, and whose name appears on the registration books of such precinct, is not required to register again, so long as he continues to reside in the same county in which he is registered and is not disfranchised for any cause prescribed by the laws of the state.²⁹

If a voter's name is changed by marriage or by court order, the voter's previous registration cannot serve as a basis for voting unless before receiving a ballot the voter files a verified statement setting forth the name under which such voter is registered and the name of such voter as changed. This statement may be filed with the clerk of the circuit court on any day or with another member of the election board on election day.³⁰

The clerk will cancel the registration of any voter who

²³ Acts 1933; Burns 29-309; Baldwin 7307.

²⁴ Acts 1933, 1935; Burns, 1939 suppl., 29-311; Baldwin, 1935 suppl., 7309.

²⁵ Acts 1933, 1935; Burns, 1939 suppl., 29-306; Baldwin, 1935 suppl., 7304.

²⁶ Acts 1933, 1935; Burns, 1939 suppl., 29-313; Baldwin, 1935 suppl., 7311. Acts 1933; Burns 29-315, 29-316; Baldwin 7313, 7314.

²⁷ Acts 1933; Burns 29-302; Baldwin 7300.

²⁸ Acts 1933, 1935; Burns, 1939 suppl., 29-317; Baldwin, 1935 suppl., 7315.

²⁹ Acts 1933; Burns 29-303, 29-308; Baldwin 7301, 7306.

³⁰ Acts 1933; Burns 29-330; Baldwin 7323.

requests such cancellation.³¹ On a change of residence within the county, any registered voter may cause his registration to be transferred to his new address by sending a transfer to the clerk or by applying in person to the clerk for such transfer. If a voter changes his residence from the county in which he is registered to some other county, he must register in the proper precinct of the county to which he has moved and sign a printed form authorizing the cancellation of the previous registration. Within 15 days thereafter the clerk of the latter county forwards this document to the clerk of the former county, who cancels the previous registration.³²

When the address of a voter (at which the voter continues to reside) is transferred to another precinct by a change of precinct boundaries or by creation of a new precinct, the clerk must transfer the voter's registration accordingly, and it is not necessary for the voter to apply for such transfer.³³

If the clerk of the circuit court mails to a registered voter, at his registered address, a notice stating that the clerk has received information (specifying the source thereof) that the voter has moved away from the county, precinct, or address at which he is registered, the registration of the voter will be cancelled unless the voter applies for a continuance of registration within 30 days after the mailing of the notice.³⁴

Any voter of the county or city may challenge the registration of any registered voter of such county or city by submitting an affidavit to the clerk of the circuit court, not later than two weeks before any primary election, general election, or city election. This affidavit must state that such voter is not qualified to vote in the precinct in which he is registered and must specify reasons why such challenged voter is disqualified. The clerk then mails to the challenged voter, at his registered address, a notification of such challenge. In order to vote at such election the challenged voter must take an oath as required by law for voters challenged at an election. The oath may be taken before the clerk within seven days after mailing the notice or may be taken before the election inspector at the election.³⁵

³¹ Acts 1933; Burns 29-324; Baldwin 7322.

³² Acts 1933, 1935; Burns, 1939 suppl., 29-314; Baldwin, 1935 suppl., 7312.

³³ Acts 1933; Burns 29-318; Baldwin 7316.

³⁴ Acts 1933; Burns 29-326; Baldwin 7324.

³⁵ Acts 1933; Burns 29-325; Baldwin 7323.

During the month of January following each general election the clerk must examine the registration books of each precinct and must note the names of all voters who have not voted within a period of two years. The clerk must then mail to each such voter, at his last known address, a notice on a form prescribed by law. The registration of any such voter will be cancelled unless the voter applies for reinstatement of registration within 30 days after the mailing of such notice.³⁶

It is the duty of the registration officer to check the registration lists continually for deceased and disfranchised voters. Lists of deceased voters are obtained from local health officers,³⁷ and the clerk prepares a list of all disfranchised voters.³⁸

If the board of commissioners determines that the registration books of any precinct have been destroyed or mutilated or are inaccessible or are for any other reasonable cause unfit to be used, a new registration must be conducted in that precinct and every voter residing in that precinct must register.³⁹

The expense of the preparation of registration is paid out of the general fund of the county treasury, as directed by the board of county commissioners, after appropriation by the county council. The expense of preparing lists of registered voters for use in a city election is paid by the city, after appropriation by its common council.⁴⁰

All forms, blanks, records, and other supplies used in the registration of voters are prescribed by the state board of election commissioners for the purpose of uniformity in the registration records of the state.⁴¹

264. [REGISTRATION OF VOTERS], 1934-. 32 vols.

Permanent registration of all qualified voters, showing date of registration, names of township, voter and registration officer, age, sex, place of birth and address of voter, length of residence in state, county, precinct and ward, and registration, precinct and ward numbers. Arr. alph. by names of voters. No index. Hdw. 100 pp. 20 x 14 x 1. Clk. off.

³⁶ Acts 1933; Burns 29-320; Baldwin 7318.

³⁷ Acts 1933; Burns 29-321; Baldwin 7319.

³⁸ Acts 1933; Burns 29-322; Baldwin 7320.

³⁹ Acts 1933; Burns 29-304; Baldwin 7302.

⁴⁰ Acts 1933; Burns 29-305; Baldwin 7303.

⁴¹ Acts 1933; Burns 29-334; Baldwin 7332.

265. NOTICE TO HOLD RESIDENCE, 1890-1904. 2 vols. Discontinued.

Record of voters' notices of retention of their residences as legal voting place, showing dates of notice and filing, and name, age, place of birth, address and oath of voter. Arr. alph. by name of voters. No index. Hdw. 160 pp. 14 x 8 x 1. Attic. stor. rm.

XVII. BOARD OF PRIMARY ELECTION COMMISSIONERS

LEGAL STATUS

The board of primary election commissioners of Posey County exists under the mandatory provisions of acts of 1907¹ and 1915, and subsequent amendatory acts. The members are the clerk of the circuit court and two persons appointed by him (one from each of the two major political parties, nominated by the respective chairmen of the county committees of the parties). The primary election commissioners serve as election commissioners at the election for which nominations by the primary election are made.² The appointed members must be electors of the county, must have been inhabitants thereof during one year next preceding their appointment, must reside within the county while holding this office,³ must take an oath to support the state and federal constitutions and faithfully discharge their duties,⁴ and must not hold any other appointive or elective public office.⁵

Each member of the board is allowed \$75 for his services at any primary election.⁶

For sufficient legal grounds any member of the board of primary election commissioners may be removed by the circuit court, after trial by jury on an accusation presented by the grand jury or verified by oath of any person; and such removal

¹ Acts 1907, ch. 282, secs. 1, 13.

² Acts 1915, 1917; Burns 29-504; Baldwin 7190.

³ Const. 1851, art. 6, secs. 4, 6.

⁴ *Ibid.*, art. 15, sec. 4. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054.

⁵ Acts 1915, 1917; Burns 29-512; Baldwin 7198.

⁶ Acts 1935; Burns, 1939 suppl., 29-1014; Baldwin, 1937 suppl., 7109-1.

Mandamus to compel appropriation for compensation. *Blue v. State ex rel. Powell* (1936), 210 Ind. 486, 1 N. E. (2d) 122.

is subject to review by the supreme court.⁷ If any member is convicted of a felony the judgment of conviction must declare his office vacant.⁸ The clerk of the circuit court fills vacancies as to the members appointed by him.⁹

Prior to 1907 nominations had been strictly a party affair. At first candidates were proposed by a mass meeting, or by an informed caucus which might be a meeting of all the voters of the party in the precinct (township) or of party members interested sufficiently to attend (county and state). Out of the latter developed the party convention—an assembly of official delegates chosen by party officials such as precinct committeemen or county or district chairmen, as the case might be.¹⁰

Indiana was one of the first states to adopt the primary election as a means of choosing candidates. The law of 1889, which instituted the Australian ballot system, recognized the right of the party to hold primary election, which was under the control of the chairman who certified the names of the nominees to the county board of election commissioners.¹¹

An act of 1901, applicable to all political parties casting 10 percent of the total vote at the preceding general election, provided for the organization of political parties and the holding of two primary elections—one for precinct committeemen, and one for direct nomination of candidates or for election of delegates to a nominating convention. The precinct committeemen elected at the first primary election determined whether the party candidates should be nominated at a primary election or by a delegate convention. The law provided that if it was decided to have a primary election, the party chairman should fix the date thereof and deliver to the county board of election commissioners the names of the candidates proposed by petition. This board was required to prepare the primary ballot. No two political parties could hold their primaries at the same time or place. Returns were made to the party board of primary election commissioners.

⁷ Const. 1851, art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1897, 1899; Burns 49-821 to 49-834, 49-836; Baldwin 13154 to 13166, 13050, 13168. Acts 1875; Burns 49-837; Baldwin 13052.

⁸ Acts 1897, 1899; Burns 49-834; Baldwin 13050.

⁹ Acts 1915, 1917; Burns 29-504; Baldwin 7190.

For vacancy in the office of clerk, see the essay entitled "Clerk of the Circuit Court."

¹⁰ Alma Sickler Bender, *Why Go Back? . . . from the Direct Primary to the Convention System* . . ., 21.

¹¹ Acts 1889, ch. 87, secs. 17, 18, 26.

This board declared the nominees of the party; and the chairman of the board certified their names to the county board of election commissioners.¹²

The act of 1907 prescribed a compulsory direct primary election, under the supervision of a county board of primary election commissioners, for the nomination of party candidates for all county and township offices. This board consisted of the same membership as at present and its members acted as election commissioners at the general election. This primary election included all political parties casting 10 percent of the total vote at the preceding general election, and was conducted by bipartisan precinct election boards paid from county funds.¹³

FUNCTIONS AND RECORDS

The present primary election law provides for the nomination of candidates and the election of precinct committeemen and convention delegates, all in one primary election held biennially, at the same time and place, on the first Tuesday after the first Monday in May, in the even-numbered years. This law is mandatory as to each political party casting for its candidate for secretary of state 10 percent of the aggregate vote cast for all candidates for secretary of state at the last preceding general election held for that office.¹⁴

The board of primary election commissioners of Posey County supervises primary elections. It prepares and distributes all ballots used in the county (except for town primaries)¹⁵—the names of candidates being arranged thereon in alphabetical order—¹⁶and appoints the precinct board of election (consisting of one inspector and two election judges), two poll clerks, two assistant poll clerks (if needed), and two election sheriffs. These election officials are nominated by the county chairman of each of the two major political parties.¹⁷ The board may employ all necessary clerical assistants.¹⁸

¹² Acts 1901, ch. 219, secs. 1-4, 6-11, 25.

¹³ Acts 1907, ch. 282, secs. 1, 2, 6, 10-15, 22, 57.

¹⁴ Acts 1915; Burns 29-501; Baldwin 7187. Acts 1915, 1917, 1925, 1929; Burns 29-511, 29-512; Baldwin 7196, 7197. Acts 1915, 1939; Burns, 1939 suppl., 29-532; Baldwin, 1939 suppl., 7218.

¹⁵ Acts 1915, 1917; Burns 29-504; Baldwin 7190.

¹⁶ Acts 1915, 1937; Burns, 1939 suppl., 29-515; Baldwin, 1937 suppl., 7201.

¹⁷ Acts 1915; Burns 29-505; Baldwin 7191. Acts 1915, 1917; Burns 29-507; Baldwin 7193. Acts 1929, 1933; Burns 29-804 to 29-807; Baldwin 7093 to 7096.

¹⁸ Acts 1915, 1917; Burns 29-504; Baldwin 7190.

At all primary elections the Australian ballot is used. It is made up of the tickets of the several political parties qualified for participation in the election, each party having a separate ticket printed on different colored paper, but uniform in size.¹⁹ Between 30 and 60 days before any primary election each candidate's declaration of candidacy must be filed with or certified to the clerk of the circuit court.²⁰ Nominations for delegates to the state conventions of the respective parties are made by petitions filed with clerk at least 30 days before the primary election.²¹ Candidates of the major political parties for all offices—including city, since 1933—except those to be voted on by all the electors of the state, are nominated at the primary election.²² The statutory provisions governing the manner of conducting general elections apply to all primary elections.²³ All expenses of conducting primary elections are paid from public funds.²⁴

Papers of primary election matters are filed in the office of the clerk of the circuit court where they are preserved for six months and are then destroyed, unless litigation requires preservation for a longer time.²⁵

266. RECORD OF ABSENT VOTERS, 1918—. 3 vols. (1-3). Record of votes cast by absent voters in primary elections, showing ward and precinct numbers, name of elector, date of application, mailing address, and dates ballot mailed and returned. Also contains: [Record of Absent Voters, General Election], entry 271. Arr. num. by precinct nos. No index. Hdw. 240 pp. 18 x 18 x 1. 2 vols., 1918-29, NE. stor. rm., 3d fl.; 1 vol., 1930—, clk. off.

267. [PRIMARY DECLARATIONS], 1920—. In [Election Papers], entry 272.

Declarations of candidates for nomination, showing dates of declaration, election and filing, names of candidate and office, and party affiliation.

¹⁹ Acts 1915, 1917; Burns 29-504, 29-514; Baldwin 7190, 7200.

²⁰ Acts 1915, 1917, 1933, 1935; Burns, 1939 suppl., 29-513; Baldwin, 1935 suppl., 7199. Acts 1915, 1931, 1935; Burns, 1939 suppl., 29-516; Baldwin, 1935 suppl., 7202.

²¹ Acts 1915, 1939; Burns, 1939 suppl., 29-532; Baldwin, 1939 suppl., 7218.

²² Acts 1915; Burns 29-501; Baldwin 7187. Acts 1933; Burns 29-1807; Baldwin 11639.

²³ Acts 1915; Burns 29-556, 29-559; Baldwin 7242, 7244.

²⁴ Acts 1915; Burns 29-534; Baldwin 7220. Acts 1933; Burns 29-1805; Baldwin 11637.

²⁵ Acts 1915, 1917; Burns 29-525; Baldwin 7211. Acts 1889; Burns 29-1009; Baldwin 7113.

Acts 1915; Burns 29-1304; Baldwin 7456. Acts 1911; Burns 29-2510; Baldwin 7447.

268. [PRIMARY CANDIDATES' EXPENSES], 1920-. In [Election Papers], entry 272.

Candidates statements of campaign expenses, showing same information as in entry 272.

269. [ELECTION RECORD PRIMARY], 1926-. In Election Record entry, 273.

Sample ballots and record of ballots printed, distributed and returned, showing date of election, names of candidate, inspector, primary election commissioners and township, ward and precinct numbers, and number of ballots printed, distributed and returned.

XVIII. COUNTY BOARD OF CANVASSERS

LEGAL STATUS

The board of canvassers of Posey County, consisting of the election commissioners, was established by an act of 1905.¹ The board elects its own chairman, and the clerk of the circuit court acts as its clerk.²

Before 1843 the canvass of votes was made by the election judges and inspectors.³ The board of canvassers, established in 1843, consisted of the inspectors from the several townships, who selected one of its members as chairman. The clerk of the circuit court served as clerk. This board was continued until 1905.⁴

FUNCTIONS AND RECORDS

The members of the county board of canvassers are required to assemble at six o'clock p. m. on the day of each general election, in the court room of the circuit court, to canvass and estimate the certificates, poll lists, and tally papers returned by the election inspectors;⁵ to aggregate and

¹ Acts 1905, 1927; Burns 29-1401; Baldwin 7377. See also the essay entitled "County Board of Election Commissioners."

² Acts 1905; Burns 29-1402; Baldwin 7378.

³ Acts 1811, ch. 16, secs. 10, 11. Acts 1816-17, ch. 9, secs. 11, 12. Acts 1817-18 (general), ch. 15, secs. 11, 12. Rev. Laws 1824, ch. 35, secs. 11, 12. Rev. Laws 1831, ch. 32, secs. 11, 12. Rev. Stat. 1838, ch. 32, secs. 13, 14.

⁴ Rev. Stat. 1843, ch. 5, secs. 45-47. 1 Rev. Stat. 1852, ch. 31, secs. 31-33. Acts 1881 (Spec. Sess.), ch. 47, sec. 38.

⁵ Acts 1905, 1927; Burns 29-1401; Baldwin 7377.

tabulate therefrom all votes cast in the county; and to declare in a certified statement the candidates elected for the county, and each city and township thereof.⁶ The board employs necessary clerical assistants for the proper canvassing and tabulating of votes. Not more than one-half of the clerks employed can be from the same political party, and their compensation must not exceed \$1 per hour.⁷

The canvass of votes in primary⁸ and special⁹ elections, including votes cast for city¹⁰ and township officers,¹¹ is made in the same manner as in the general election.

The board has full power to send for persons and papers and compel witnesses to testify concerning matters bearing on the proper discharge of the board's duties. The sheriff serves all process in county elections and obeys all orders of the board.¹²

The ballots cast in all primary and general elections, together with all uncast ballots, are sealed in an envelope or bag by the inspector in the presence of the election judges and poll clerks, and are delivered by him to the clerk of the circuit court, who holds them subject to the demand of the judge of any circuit or superior court of the state, in connection with any litigation arising from the election in which they were cast. The clerk of the circuit court destroys the ballots after the expiration of six months, unless litigation has arisen.¹³

The certificates, together with a statement of all votes tabulated, canvass sheets, poll books, and tally papers, are delivered to the clerk of the circuit court and filed and preserved by him in his office, open to the inspection of any legal voter. These are destroyed after six months' preservation if no litigation arises in that time.¹⁴

⁶ Acts 1905; Burns 29-1404, 29-1405; Baldwin 7380, 7381. *Moore v. Kessler* (1877), 59 Ind. 152.

⁷ Acts 1920 (Spec. Sess.), Burns 29-913; Baldwin 7158.

⁸ Acts 1915, 1917; Burns 29-525; Baldwin 7211. Acts 1915; Burns 29-560; Baldwin 7245.

⁹ Acts 1889; Burns 29-1611; Baldwin 7169. Acts 1881 (Spec. Sess.), Burns 29-1704; Baldwin 7249.

¹⁰ Acts 1889, 1891; Burns 29-1612; Baldwin 7170. Acts 1933; Burns 29-1803, 29-1807; Baldwin 11635, 11639.

¹¹ Acts 1933; Burns 29-1903; Baldwin 7252.

¹² Acts 1905; Burns 29-1408; Baldwin 7384.

¹³ Acts 1915; Burns 29-1304; Baldwin 7456.

¹⁴ *Ibid.* Acts 1905; Burns 29-1404; Baldwin 7380.

270. [ELECTION RETURNS], 1926-. In Election Record, entry 273.

Record of votes cast in primary and general elections, showing date of election, names of candidate and office, number of votes cast for each candidate in each precinct, and total votes cast.

XIX. COUNTY BOARD OF ELECTION COMMISSIONERS

LEGAL STATUS

The board of election commissioners of Posey County exists under the mandatory provisions of an act of 1889. The board consists of the clerk of the circuit court and two persons appointed by him (one from each of the two major political parties, nominated by the respective chairmen of the county committees of the parties).¹ The appointed members must be electors of the county, must have been inhabitants thereof during one year next preceding their appointment, must reside within the county while holding this office,² and must take an oath to support the state and federal constitutions and faithfully discharge their duties.³

Each member of the board is allowed \$75 for his services at any general or special election.⁴

For sufficient legal grounds any member of the county board of election commissioners may be removed by the circuit court, after trial by jury on an accusation presented by the grand jury or verified by oath of any person; and such removal is subject to review by the supreme court.⁵ If any member is convicted of a felony, the judgment of conviction must declare his office vacant.⁶ The clerk of the circuit court fills vacancies as to members appointed by him.⁷

¹ Acts 1899; Burns 29-1002; Baldwin 7109.

² Const. 1851, art. 6, secs. 4, 6.

³ *Ibid.*, art. 15, sec. 4. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054.

⁴ Acts 1935; Burns, 1939 suppl., 29-1014; Baldwin, 1935 suppl., 7109-1.

Mandamus to compel appropriation for compensation. *Blue v. State ex rel. Powell* (1936), 210 Ind. 486, 1 N. E. (2d) 122.

⁵ Const. 1851, art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1897, 1899; Burns 49-821 to 49-834, 49-836; Baldwin 13154 to 13166, 13050, 13168. Acts 1875; Burns 49-837; Baldwin 13052.

⁶ Acts 1897, 1899; Burns 49-834; Baldwin 13050.

⁷ Acts 1915, 1917; Burns 29-504; Baldwin 7190.

See the essay entitled "Clerk of the Circuit Court" for vacancy in the office of clerk.

Prior to 1889 there was little centralized county control over elections. The first election unit was the township, which was divided into precincts as the population increased. Such supervision as was necessary beyond the local unit was performed by various county officers.

After the organization of Posey County in 1814⁸ the court doing county business (a board after 1816) laid off townships,⁹ appointed an inspector of elections in each;¹⁰ and the judges of that court (the sheriff after 1816) delivered to the inspectors blank forms of poll books and election returns before the election.¹¹ After 1831 the inspectors were elected by the voters of the township;¹² and after 1852 the clerk of the circuit court delivered to the sheriff a certificate showing which officers were to be elected. The sheriff posted a copy of this certificate at the usual places of holding elections, published it in some newspaper of the county, and delivered a copy to each township clerk¹³ or trustee.¹⁴ The board of county commissioners designated the precincts,¹⁵ and furnished supplies (including ballot boxes but not ballots).¹⁶ After 1881 the auditor furnished printed forms (but not ballots)¹⁷ and the board of county commissioners furnished the ballot boxes.¹⁸ Before 1889 voting was by ballot furnished by the voter, except that oral voting occurred at some elections before 1817.¹⁹ The president of the board of township trustees

⁸ Acts 1814, ch. 7, sec. 1.

⁹ Acts 1807, ch. 9, sec. 1; ch. 34, sec. 1. Acts 1817-18 (general), ch. 17, sec. 2.

¹⁰ Acts 1811, ch. 16, sec. 2. Acts 1813-14, ch. 33, sec. 1. Acts 1816-17, ch. 9, sec. 1. Rev. Laws 1824, ch. 35, sec. 1. Acts 1817-18 (general), ch. 15, sec. 1; ch. 17, sec. 3.

¹¹ Acts 1811, ch. 16, sec. 3. Acts 1816-17, ch. 9, sec. 1. Rev. Laws 1824, ch. 35, sec. 1. Acts 1817-18 (general), ch. 15, sec. 1.

¹² Rev. Laws 1831, ch. 20, sec. 20.

¹³ 1 Rev. Stat. 1852, ch. 31, sec. 2.

¹⁴ Acts 1881 (Spec. Sess.); Burns 29-702; Baldwin 7082.

¹⁵ 1 Rev. Stat. 1852, ch. 31, sec. 3. Acts 1881 (Spec. Sess.), ch. 47, sec. 8.

¹⁶ 1 Rev. Stat. 1852, ch. 31, secs. 11, 12.

¹⁷ Acts 1881 (Spec. Sess.), ch. 47, sec. 13.

¹⁸ *Ibid.*, sec. 18.

¹⁹ Const. 1816, art. 6, sec. 2. Const. 1851, art. 2, sec. 13. Acts 1811, ch. 16, secs. 7, 9. Acts 1813-14, ch. 33, sec. 5. Acts 1815, ch. 8, sec. 1. Acts 1816-17, ch. 9, secs. 6-8, 11. Acts 1817-18 (general), ch. 15, sec. 8. Rev. Laws 1824, ch. 35, secs. 6-8, 11. Rev. Laws 1831, ch. 32, secs. 6-8, 11. Rev. Stat. 1838, ch. 32, secs. 6-8, 13. Rev. Stat. 1843, ch. 5, secs. 30-33, 40, 41, 44. 1 Rev. Stat. 1852, ch. 31, sec. 17. Acts 1881 (Spec. Sess.), ch. 47, sec. 23.

from 1853 to 1859²⁰—the township trustee since 1859—served ex officio as inspector of elections²¹ in the precinct in which he resided,²² and the board of county commissioners appointed inspectors in all additional precincts.²³ The precinct election board was composed of the inspector, election judges, and poll clerks. The judges were appointed by the inspector, and the clerks were appointed by the inspector and judges.²⁴ After 1881 they were chosen from the two political parties casting the highest number of votes in the last preceding general election.²⁵

Indiana, in 1889, was one of the first states to adopt the Australian ballot—an official ballot printed at public expense by public officers and distributed at the polls by the election officers. The board of election commissioners was established to prepare, print, and distribute the ballots and otherwise administer the election laws of the county.²⁶

FUNCTIONS AND RECORDS

The constitution fixes the date of general elections as the first Tuesday after the first Monday in November,²⁷ and an act of the general assembly provides that they be conducted biennially in the even-numbered years.²⁸ The sheriff gives notice to electors by posting, at the usual polling places 15 days before election, a copy of a certificate of the clerk of the circuit court stating which officers are to be elected.²⁹ The constitution further provides that all elections by the people must be by ballot.³⁰ This provision does not prevent the use of voting machines³¹ (to be provided by the board of county commissioners).³²

²⁰ 1 Rev. Stat. 1852, ch. 31, sec. 3.

²¹ Acts 1859; Burns 65-105; Baldwin 16065. *Holmes v. Board of County Comrs.* (1922), 78 Ind. App. 206, 135 N. E. 154.

²² Acts 1881 (Spec. Sess.), ch. 47, sec. 10.

²³ 1 Rev. Stat. 1852, ch. 31, sec. 4.

²⁴ Acts 1817-18 (general), ch. 15, sec. 2. 1 Rev. Stat. 1852, ch. 31, sec. 4.

²⁵ Acts 1881 (Spec. Sess.), ch. 47, secs. 11, 12.

²⁶ Acts 1889, ch. 87, secs. 18, 26.

²⁷ Const. 1851, art. 2, sec. 14 (as amended in 1881).

²⁸ Acts 1881 (Spec. Sess.); Burns 29-701; Baldwin 7081.

²⁹ Acts 1881 (Spec. Sess.); Burns 29-702; Baldwin 7082. *Parmater v. State ex rel. Drake* (1884), 102 Ind. 90, 3 N. E. 382.

³⁰ Const. 1851, art. 2, sec. 13.

³¹ *Spickerman v. Goddard* (1914), 182 Ind. 523, 107 N. E. 2.

³² Acts 1920 (Spec. Sess.); Burns 29-903; Baldwin 7148. Acts 1901, 1903; Burns 29-2404; Baldwin 7352.

The board of county commissioners establishes the precincts³³ and provides all polling places and ballot boxes³⁴ and the auditor furnishes blank poll books and other forms to the inspectors.³⁵

The county board of election commissioners supervises general elections.³⁶ It prepares and distributes all ballots used in the county (except for town elections).³⁷ Instructions as to names of persons to be voted for by all the electors of the state are furnished to the county board by the state board of election commissioners.³⁸ Candidates nominated by convention or primary election by parties casting one-half of one percent of the total vote of the state at the last preceding general election, and whose nominations have been duly certified to the clerk of the circuit court, are placed on the ballot under their respective party emblems. Candidates' names may be placed on the ballot by the petition of the required number (one-half of one percent of the total vote cast in the last preceding general election in the county) of qualified electors.³⁹ Political parties may be barred from the ballot if they advocate the overthrow, by force or violence, of the local, state or national government. New parties must file, with the election commissioners in charge of the ballot or ballots on which they wish to appear, an affidavit declaring that they do not advocate such an overthrow.⁴⁰

The election is conducted by the precinct election boards, consisting of one inspector and two election judges, who are appointed by the county board of election commissioners. No person is eligible to membership on the precinct election board if he has a wager on the result of the election or is a

³³ Acts 1889; Burns 29-801; Baldwin 7089. Acts 1920 (Spec. Sess.); Burns 29-901; Baldwin 7091.

³⁴ Acts 1920 (Spec. Sess.); Burns 29-909; Baldwin 7154. Acts 1897; Burns 29-1121; Baldwin 7135.

³⁵ Acts 1889; Burns 29-608; Baldwin 7097.

³⁶ Acts 1889; Burns 29-1116, 29-1117, 29-1119, 29-1120; Baldwin 7130, 7131, 7133, 7134. Acts 1903; Burns 29-2407; Baldwin 7355. Acts 1901; Burns 29-2410, 29-2426, 29-2428; Baldwin 7358, 7374, 7376.

³⁷ Acts 1889; Burns 29-1002, 29-1003; Baldwin 7109, 7110.

Ballot label for voting machines. Acts 1901; Burns 29-2410; Baldwin 7538.

³⁸ Acts 1889; Burns 29-1001; Baldwin 7108.

³⁹ Acts 1897, 1919, 1933; Burns 29-1106; Baldwin 7120. Acts 1920 (Spec. Sess.); Burns 29-1107; Baldwin 7121. Board of Election Comrs. v. State *ex rel.* Sides (1897), 148 Ind. 675, 43 N. E. 226; State *ex rel.* Garn v. Board of Election Comrs. (1906), 167 Ind. 276, 78 N. E. 1016.

⁴⁰ Acts 1935; Burns, 1939 suppl., 29-1015; Baldwin, 1937 suppl., 7120-1.

candidate or a relative of a candidate at that election. The township trustee is ex officio inspector in his own precinct. The other inspectors are nominated by the party casting the highest number of votes in the county for secretary of state in the preceding election. The two election judges must be of opposite political faith and are nominated by the county chairmen of the two major political parties. Other precinct officials—two election sheriffs, two poll clerks, and (if found necessary) two assistant poll clerks—are nominated and appointed in the same manner.⁴¹ For his services at general elections, the inspector is allowed \$8, each election judge and clerk \$5, and the election sheriff \$3.⁴² They are each allowed \$3 per day for their services for primary elections.⁴³ Each political party appoints one challenger and one poll book holder for each precinct, who are paid for their services, by their respective parties, an amount not to exceed \$3.⁴⁴

Since 1933 city⁴⁵ and township⁴⁶ elections have been held at the time of the general election. They are under the supervision of the county board of election commissioners,⁴⁷ as are all special elections.⁴⁸

Elections are open from six o'clock in the forenoon until four o'clock in the afternoon, after which time the precinct election board may close the election in any precinct at any time when all the electors of that precinct have voted, or when 15 minutes have passed without a vote having been cast in that precinct. Elections are open until six o'clock in the afternoon unless previously closed as aforesaid.⁴⁹ All pencils used in marking the ballots must be destroyed before the counting of ballots begins.⁵⁰

The board has full power to send for persons and papers and compel witnesses to testify concerning matters bearing

⁴¹ Acts 1929, 1933; Burns 29-804; Baldwin 7093. Acts 1929; Burns 29-805 to 29-807; Baldwin 7094 to 7096.

⁴² Acts 1920 (Spec. Sess.), 1933; Burns 29-910; Baldwin 7155. *Holmes v. Board of County Comrs.* (1922), 78 Ind. App. 206, 135 N. E. 154.

⁴³ Acts 1915; Burns 29-519; Baldwin 7205.

⁴⁴ Acts 1923; Burns 29-806; Baldwin 7095.

⁴⁵ Acts 1859, 1891; Burns 29-1612; Baldwin 7170. Acts 1933; Burns 29-1801; Baldwin 11632

⁴⁶ Acts 1933, 1935; Burns, 1939 suppl., 29-1901; Baldwin, 1935 suppl., 7250.

⁴⁷ Acts 1933; Burns 29-1803; Baldwin 11635.

⁴⁸ Acts 1889; Burns 29-1611; Baldwin 7169. Acts 1881; Burns 29-1704; Baldwin 7249.

⁴⁹ Acts 1915; Burns 29-520; Baldwin 7206. Acts 1889, 1899; Burns 29-1103; Baldwin 7103.

⁵⁰ Acts 1915; Burns 29-1305; Baldwin 7457.

on the proper discharge of the board's duties. The sheriff serves all process in county elections and obeys orders of the board.⁵¹

Records of all general elections are placed in sealed bags and filed in the office of the clerk of the circuit court for preservation as provided by statute.⁵²

271. [RECORD OF ABSENT VOTERS, GENERAL ELECTION], 1918-, in Record of Absent Voters, entry 266.

Record of votes cast by absent voters in general elections, showing same information as entry 266.

272. [ELECTION PAPERS], 1920-. 6 f. b.

Candidates statements of campaign expenses, showing dates of statement and filing, names of candidate, party and office, and itemized statement of expenses. Also contains: [Primary Declarations], entry 267; [Primary Candidates' Expenses], entry 268. Arr. chron. by dates of filing. No index. Hdw. 5 x 4 x 10. Clk. off.

273. ELECTION RECORD, 1926-. 1 vol.

Sample ballots and record of ballots printed, distributed and returned in general elections, showing date of election, names of candidates, inspectors, election commissioners and township, and number of ballots printed, distributed and returned. Also contains: [Election Record Primary], entry 269; [Election Returns], entry 270. Arr. chron. by dates of elections. No index. Hdw. 416 pp. 18 x 12 x 3. Clk. off.

XX. COUNTY BOARD OF EDUCATION

LEGAL STATUS

The county board of education exists under the mandatory provisions of an act of 1873, as amended in 1877. The board consists of the county superintendent of schools, the township trustee, and the president of the school board of each city and town in the county. Before 1877 all the school trustees

⁵¹ Acts 1905; Burns 29-1408; Baldwin 7384.

⁵² Rev. Laws 1824, ch. 35, sec. 14. Acts 1920 (Spec. Sess.), Burns 29-912; Baldwin 7157. Acts 1889; Burns 29-1009; Baldwin 7113. Acts 1915; Burns 29-1304; Baldwin 7456. Acts 1911, 1913, 1915; Burns 29-2508; Baldwin 7445. Acts 1911; Burns 29-2510; Baldwin 7447. State *ex rel.* Kollmeyer v. Baker (1932), 204 Ind. 18, 182 N. E. 537.

of each city and town in the county were also included as members of the board.¹

Semiannual meetings of the board are held at the office of the county superintendent of schools on the first day of May and September. A majority of the board members constitutes a quorum. The county superintendent presides at the meetings and casts his vote in the same manner as the other members. The board elects a secretary from among its members.²

FUNCTIONS AND RECORDS

The county board of education considers the general needs of the public schools within the county (including the care of school property and the purchase of school furniture, books, maps, charts, and other supplies), and makes advisory regulations concerning the same (except as to matters expressly covered by law or by a regulation of the Indiana State Board of Education); directs the care and management of township libraries; and adopts textbooks for the schools in the county, except in cities. The state board of education has broad power to adopt textbooks which must be used in all the public schools in the state, but the county board may adopt supplementary textbooks on the same subjects. There are many curricular subjects on which textbooks are not adopted by the state board. No textbook can be changed by the county board of education within six years after its adoption, except by the unanimous vote of all the members of the board.³

The county board of education may purchase textbooks from publishers at the net wholesale or contract price and sell them to the pupils at cost, plus the costs of handling the books, not to exceed 20 percent of the cost price, or rent them to the pupils at an annual rental not to exceed 25 percent of the retail price.⁴

Annually the board may appoint a school attendance officer for the county, known as the "county attendance officer".

¹ Acts 1873, 1877; Burns 28-801; Baldwin 5983. Acts 1905, 1915, 1919; Burns 28-1201; Baldwin 5962. *Opinions of the Attorney General of Indiana, 1933*, p. 551.

² Acts 1873, 1877; Burns 28-801; Baldwin 5983.

If the first day of the month is Sunday, the semiannual meeting is held the next day.
Ibid.

³ *Ibid.* Acts 1889, 1909, 1917; Burns 28-601; Baldwin 6675. Interview of February 2, 1940 with Floyd I. McMurray, state superintendent of public instruction.

⁴ Acts 1921; Burns 28-614; Baldwin 6692. Acts 1935; Burns, 1939 suppl., 28-638; Baldwin, 1935 suppl., 6692-1.

From 1897 to 1913 he was known as the "truant officer." The county superintendent of schools must annually nominate some person to be appointed county attendance officer, and must perform the duties of that office if the board makes no such appointment.⁵

The secretary of the board keeps a complete record of its meetings and proceedings.⁶

274. MINUTE BOOK, BOARD OF EDUCATION, 1919—. 4 vols. Minutes of meetings of board of education, showing date of meeting, names of members present, nature of business discussed, and action taken. Arr. chron. by dates of meetings. No index. Typed. 50 pp. 12 x 12 x 3/4. Supt. off.

XXI. COUNTY SUPERINTENDENT OF SCHOOLS

LEGAL STATUS

The superintendent of schools of Posey County is a statutory officer elected for a four-year term by the township trustees, under the mandatory provisions of a law of 1899, and amendments thereof, which increased his powers as defined in an act of 1873.¹ To be eligible to the office of superintendent of schools a person must have had five years' successful experience as a teacher and hold a first or second grade superintendent's license.² The superintendent must post bond in the amount of \$5,000, approved by and filed with the auditor, and take an oath that he will support the state and federal constitutions and will faithfully discharge the duties of his office.³

The county superintendent of schools receives from the

⁵ Acts 1897, ch. 165, sec. 2. Acts 1899, ch. 244, sec. 2. Acts 1901, ch. 209, sec. 2. Acts 1913, ch. 213, sec. 4. Acts 1921, 1932 (Spec. Sess.); Burns 28-501; Baldwin 6693.

⁶ Interview of February 2, 1940 with Floyd I. McMurray, state superintendent of public instruction.

¹ Acts 1873, ch. 25, secs. 3, 4, 6-8. Acts 1899, 1911, 1913; Burns 28-702; Baldwin 5931. State *ex rel.* Laughlin v. Porter (1888), 113 Ind. 79, 14 N. E. 883; State *ex rel.* Drummond v. Dillon (1890), 125 Ind. 65, 25 N. E. 136.

² Acts 1927, ch. 142, sec. 1. Acts 1935; Burns, 1939 suppl., 28-701; Baldwin, 1935 suppl., 5933-1. Acts 1923; Burns 28-4209; Baldwin 5920.

³ Acts 1899, 1911, 1913, Burns 28-702; Baldwin 5931. 1 Rev. Stat. 1852; Burns 49-104, 49-105, 49-120; Baldwin 13057, 13063, 13068.

county a regular salary of \$1,640 per year,⁴ but this amount may be increased by a vote of a majority of the township trustees.⁵ He also receives travelling expenses, not to exceed \$50 per month nor \$300 in any school year.⁶

For sufficient legal grounds the county superintendent of schools may be removed from office by the circuit court after trial by jury on an accusation presented by the grand jury or verified by the oath of any person; and such removal is subject to review by the supreme court.⁷ If the superintendent of schools is convicted of a felony the judgment of conviction must declare his office vacant.⁸

When any vacancy occurs in the office of county superintendent of schools, the township trustees meet in the office of the auditor, pursuant to notice given by him, and elect a person to fill the vacancy for the unexpired term. The auditor is the clerk in such election, and in case of a tie vote he casts the deciding vote.⁹

The county superintendent of schools, with the approval of the township trustees, may appoint an assistant. He is employed for such number of days as is necessary, and his compensation is fixed by the township trustees.¹⁰

An act of 1838 provided for the annual appointment, by the judge of the circuit court, of three county school examiners, to examine and license common school teachers.¹¹ A superseding act of 1843 (repealed in 1852) provided that the school examiners be appointed for indefinite terms.¹² An act of 1852 authorized the state superintendent of public instruction, in person or by deputy, to examine and license teachers.¹³ An act of 1853 authorized the board of commissioners

⁴ Acts 1933; Burns 49-1004; Baldwin 7534.

⁵ Acts 1933, 1939; Burns, 1939 suppl., 49-1014; Baldwin, 1939 suppl., 7544. *Opinions of the Attorney General of Indiana, 1938*, p. 126.

⁶ Acts 1911, 1921; Burns 28-708; Baldwin 5936.

⁷ Const. 1851, art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1899; Burns 28-703; Baldwin 5932. Acts 1897, 1899; Burns 49-821 to 49-834, 49-836; Baldwin 13154 to 13166, 13050, 13168. Acts 1875; Burns 49-837; Baldwin 135052. *McComas v. Kring* (1879), 81 Ind. 327; *Hufford v. Conover* (1894), 139 Ind. 151, 38 N. E. 328.

⁸ Acts 1897, 1899; Burns 49-834; Baldwin 13050.

⁹ Acts 1899, 1911, 1913; Burns 28-702; Baldwin 5931.

¹⁰ Acts 1911, 1921; Burns 28-709; Baldwin 5937.

¹¹ Rev. Stat. 1838, ch. 94 (14), secs. 3, 5, 6.

¹² Rev. Stat. 1843, ch. 15, secs. 133-135 (repealed by 1 Rev. Stat. 1852, ch. 92, sec. 1).

¹³ 1 Rev. Stat. 1852, ch. 98, sec. 85.

to appoint, annually, one to three school examiners for the county, each to serve for a one-year term. These county school examiners examined and licensed common school teachers and were required to keep records of the licenses issued and to make an annual report to the state superintendent of public instruction.¹⁴ Acts of 1861 and 1865, superseding the act of 1853, provided for the appointment of one county school examiner for a three-year term.¹⁵ An act of 1873 changed the officer's title to "county superintendent", transferred to the township trustees the power of appointment, made the county superintendent more responsible to the state superintendent of public instruction, and gave the county superintendent advisory supervision of the schools of the county.¹⁶ An act of 1927 changed the title of this officer to "county superintendent of schools."¹⁷ An act of 1923 gave the state board of education exclusive jurisdiction to license school superintendents, supervisors, principals, teachers' attendance officers, and other regular school employees.¹⁸

FUNCTIONS AND RECORDS

The county superintendent of schools exercises general supervision of the schools in Posey County which are not within incorporated cities and towns;¹⁹ visits the schools in session, at least once each year, for the purpose of increasing their usefulness and raising their standards as uniformly as practicable; carries out the orders of the state board of education and the state superintendent of public instruction;²⁰ nominates an attendance officer to be appointed by the county board of education;²¹ conducts county teachers' institutes;²² conducts and presides over township institutes;²³ reports to the school corporations as to teachers' preparation, experience,

¹⁴ Acts 1853, ch. 106, secs. 6-8.

¹⁵ Acts 1861, ch. 41, secs. 32, 33. Acts 1865, ch. 1, secs. 33-43.

¹⁶ Acts 1873, ch. 25, secs. 2-4.

¹⁷ Acts 1927, ch. 142, secs. 1, 2. Acts 1935, ch. 258, secs. 1, 2.

¹⁸ Acts 1923; Burns 28-4201 to 28-4217; Baldwin 5912 to 5923. Interview of November 14, 1939 with Floyd I. McMurray, state superintendent of public instruction.

¹⁹ Acts 1899; Burns 28-705; Baldwin 5940. Acts 1873; Burns 28-1401; Baldwin 5973.

²⁰ Acts 1921; Burns 28-305; Baldwin 5939. Acts 1899; Burns 28-704; Baldwin 5938.

²¹ Acts 1921, 1932 (Spec. Sess.), Burns 28-501; Baldwin 6693.

²² Acts 1907, 1929, 1933; Burns 28-4402; Baldwin 6725.

²³ Acts 1899; Burns 28-704; Baldwin 5938.

and licenses before they are employed;²⁴ provides for the examination of applicants for graduation from the common and high schools of the townships, districts, and towns, and furnishes the certificates of graduation; attends commencements of the common and high schools of the townships and towns;²⁵ examines and verifies certificates, presented by township trustees, for aid from the state common school relief fund;²⁶ and inspects the official dockets, records, and books of accounts of the clerks of courts, county auditor, board of commissioners, justices of the peace, prosecuting attorney, mayors of cities, and township and school trustees to ascertain if any of said officers have neglected to collect and pay to the school funds any revenues belonging to such funds, and institutes judicial proceedings when such neglect is found.²⁷ He is a member of the county board of education and presides at its meetings.²⁸

The county superintendent of schools keeps a complete record of licenses held by all regular school teachers of the county (other than teachers of town and city schools), date of employment, their success grades, and the monthly or annual salary of each.²⁹ He makes an annual report to the state superintendent of public instruction concerning the enumeration of school children in the county, townships, cities, and towns. He also reports statistics and other information concerning the condition of the schools, schoolhouses, and general progress of education.³⁰

REPORTS

275. FINANCIAL AND STATISTICAL REPORT, 1926—. 1 f. d.

Copies of annual financial and statistical reports to state superintendent of public instruction, showing date of report, name of township or school corporation, amount of receipts and disbursements, nature of expenditure, total operating cost, number of pupils enrolled, total daily attendance, number of

²⁴ Acts 1927, 1933; Burns 28-4309; Baldwin 6005.

²⁵ Acts 1899; Burns 28-706; Baldwin 5942.

²⁶ Acts 1933; Burns 28-903, 28-904; Baldwin 6433, 6434.

²⁷ Acts 1873; Burns 28-712; Baldwin 5950. *Moore v. State ex rel. Denny*, 55 Ind. 360.

²⁸ Acts 1873, 1877; Burns 28-801; Baldwin 5983. See the essay entitled "County Board

of Education."

²⁹ Acts 1923; Burns 28-4217; Baldwin 5928.

³⁰ Acts 1865, 1873, 1895; Burns 28-714; Baldwin 5948.

employees, amount of salaries, assessed valuation of school property, and rate of tax. Arr. chron. by dates of reports. No index. Typed. 12 x 14 x 30. Supt. off.

276. ANNUAL REPORTS, 1926-. 1 f. d.

Copies of trustees' reports of purchase of school supplies and miscellaneous expenditures, showing date of report, names of township or school corporation, and amount of expenditure. Arr. chron. by dates of reports. No index. Hdw. 12 x 14 x 30. Supt. off.

277. STATE AID, 1933-. 1 f. d.

Certificate of distribution of state school funds, showing date of certificate, name of township or school corporation, and amount of apportionment. Arr. chron. by dates of certificates. No index. Typed. 12 x 14 x 30. Supt. off.

TEACHERS

278. TEACHER'S DIRECTORY, 1896-. 1 vol.

Record of licensed teachers in county, showing name and address of teacher, date of license, amount of teaching experience, and name of township. Arr. by twps., thereunder alph. by names of teachers. No index. Typed. 75 pp. 12 x 10 x 1/2. Supt. off.

279. RECORD OF TEACHERS, 1911-. 2 f. d.

Card record of licensed teachers in county, showing name of teacher, date of license, and educational qualifications and teaching experience. Arr. alph. by names of teachers. No index. Typed. 5 x 7 x 16. Supt. off.

PUPILS

280. ENUMERATION, 1915-. 12 file trays, 2 f. b.

Card record of pupils attending school, showing names of township or school corporation and parents or guardian and name, age, address, and date and place of birth of pupil. Arr. alph. by names of pupils. No index. Typed. File trays, 3 x 12 x 20; 7 x 5 x 14. Supt. off.

281. TESTS AND TRANSCRIPTS, 1918-. 1 f. d.

Reports on examination tests, showing dates of report and examination, name, address and date and place of birth of student, subjects taken, names and address of parents, name of school attended, and results of examination. Arr. chron. by dates of reports. No index. Hdw. 12 x 14 x 30. Supt. off.

282. WITHDRAWALS FROM HIGH SCHOOL, 1929-. 1 f. b.

Card record of students withdrawing from high school prior to graduation, showing dates of entrance and withdrawal, name, age, sex, race and grade of student, name of school, and reason for withdrawal. Arr. alph. by names of students. No index. Typed. 7 x 9 x 14. Supt. off.

283. HIGH SCHOOL GRADUATES, 1929-. 1 f. b.

Reports of pupils graduating from high school, showing dates of report and graduation, and name, age, sex, race, and school record of pupil. Arr. chron. by dates of reports. No index. Hdw. and typed. 7 x 9 x 14. Supt. off.

284. REPORTS OF TEACHERS, 1932-. 2 vols.

Record of teachers' reports of students attendance for establishment of basis for apportionment of school revenue, showing date of report, names of school, teacher, pupil and parents or guardian, age, sex, race and grade of pupil, number of days present and absent, and cause of absence. Arr. chron. by dates of reports. No index. Hdw. 600 pp. 14 x 12 x 4. Supt. off.

285. ATTENDANCE, 1932-. 1 f. d.

Teachers' reports to county superintendent on students attendance for establishment of basis for apportionment of school revenue, showing same information as in entry 284. Arr. alph. by names of pupils. No index. Hdw. 12 x 14 x 30. Supt. off.

286. NURSES' REPORTS, 1934-. 1 bdl.

Health nurses' reports on school health supervision, showing date of report, names of nurse and school, and name, age, sex, race, date of birth and health record of student. Arr. chron. by dates of reports. No index. Typed. 5 x 7 x 6. Supt. off.

287. [STUDENT ENROLLMENT], Sept. 1938-. 1 vol.

Teachers' reports to superintendent on enrollment at opening of school, showing dates of report and enrollment, names of township or school corporation, teacher, student and student's parent or guardian, and sex, grade, date of birth and address of student. Arr. chron. by dates of reports, thereunder alph. by names of townships or school corporations. No index. Hdw. 150 pp. 9 x 13 x 2. Supt. off.

288. RECORD OF GRADUATES OF COMMON SCHOOL, 1885-1929.

3 vols. Discontinued.

Record of pupils graduating from common schools, showing date of graduation, name, age, sex, race and school record of pupil, and name of school. Arr. alph. by names of pupils. No index. Hdw. 200 pp. 16 x 11 x 1. Supt. off.

XXII. COUNTY HEALTH OFFICER

LEGAL STATUS

The health officer of Posey County is a part-time statutory official appointed for a four-year term by the board of commissioners, with the approval of the Indiana State Board of Health, under the authority of an act of 1935. He must be a regularly licensed physician, suitably trained in sanitary science and hygiene.¹ He must take an oath that he will support the state and federal constitutions and will faithfully discharge the duties of his office.² His duties are under the supervision of a full-time district health officer for the health district composed of the counties of Gibson, Pike, Posey, and Warrick. The compensation and expenses of the district health officer are paid by the several counties of the district in proportion to population.³

The county health officer receives an annual salary in an amount equal to three cents for each county resident, exclusive of the residents of any city having a health officer, provided that his salary must be between \$200 and \$1,800 per year.⁴ With the approval of the board of commissioners and the state board of health he is permitted to receive gifts and other financial assistance.⁵

He may be removed from office by the board of commissioners or the state board of health. Any vacancy in office is filled through appointment by the board of commissioners, with the approval of the state board of health.⁶

Since the early days of the county the board doing county business has been authorized to appoint inspectors of flour, beef, pork, salt, and hay. Tobacco inspectors could be appointed

¹ Acts 1935 (effective January 1, 1938); Burns, 1939 suppl., 35-118, 35-124; Baldwin, 1935 suppl., 8404-1, 8404-7. Interview of September 5, 1939 with Dr. Verne K. Harvey, director of state board of health.

² Const. 1851, art. 15, sec. 4. Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054.

³ Acts 1935; Burns, 1939 suppl., 35-125; Baldwin, 1935 suppl., 8404-8. Interview of November 13, 1939 with Dr. Verne K. Harvey, director of the state board of health.

⁴ Acts 1935 (effective January 1, 1938); Burns, 1939 suppl., 35-118; Baldwin, 1935 suppl., 8404-1. *Opinions of the Attorney General of Indiana, 1938*, p. 17.

⁵ Acts 1935; Burns, 1939 suppl., 35-127; Baldwin, 1935 suppl., 8404-10.

⁶ Acts 1935 (effective January 1, 1938); Burns, 1939 suppl., 35-118; Baldwin 1935 suppl., 8404-1.

by the board before 1857 and by the judge of the circuit court after 1857.⁷

From 1881 to 1909 the board of commissioners constituted, ex officio, the county board of health, and annually appointed a secretary who was a physician and served as county health officer. The law provided that the secretary must render medical and surgical services to inmates of the county jail and any other medical services required of him by the board of commissioners.⁸ An act of 1891 enlarged the duties of the board.⁹ In 1909 the county board of health was abolished and the office of county health commissioner (appointed for a four-year term by the board of commissioners) was established. This office continued until January 1, 1938, when the act of 1935 (the present law) became effective.¹⁰

FUNCTIONS AND RECORDS

The county health officer protects and supervises the general health and sanitation of the county, outside of incorporated cities having a full-time health officer;¹¹ enforces the health laws of the state and the rules and regulations of the state board of health;¹² oversees inspection of food and drugs; endeavors to promote sanitary conditions for the sale of food;¹³ condemns buildings unfit for human habitation;¹⁴ sends samples of water to the state laboratory for inspection, in order to prevent pollution of watercourses;¹⁵ makes inspections of public buildings and institutions; investigates the presence, source, and cause of disease; establishes quarantine; closes schools and churches and forbids public gatherings, in

⁷ Const. 1816, art. 12, sec. 4. Acts 1813, ch. 19, secs. 1, 2. Acts 1816-17, ch. 11, sec. 4. Acts 1818-19, ch. 15, sec. 1. Rev. Laws 1824, ch. 109, sec. 4. (Rev. Laws 1831, ch. 50, secs. 1-6. Rev. Stat. 1838, ch. 53. Rev. Stat. 1843, ch. 27. 1 Rev. Stat. 1852, ch. 55, sec. 1. 1 Rev. Stat. 1852; Burns 35-1901; Baldwin 9468. Acts 1857; Burns 67-308; Baldwin 9461. Commissioners' Record A:183, 184.

⁸ Acts 1881, ch. 19, sec. 8.

⁹ Acts 1891, ch. 15, sec. 8.

¹⁰ *Ibid.*, secs. 8, 10. Acts 1909, ch. 144, secs. 4, 6. Acts 1935 (effective January 1, 1938); Burns, 1939 suppl., 35-118; Baldwin, 1935 suppl., 8404-1.

¹¹ Acts 1935 (effective January 1, 1938); Burns, 1939 suppl., 35-122, 35-124; Baldwin, 1935 suppl., 8404-5, 8404-7.

¹² Acts 1891, 1909; Burns 35-111; Baldwin 8405.

¹³ Acts 1909; Burns 35-1009; Baldwin 8512. Acts 1907; Burns 35-1207; Baldwin 8476.

¹⁴ Acts 1917; Burns 35-1801; Baldwin 8563.

¹⁵ Acts 1909; Burns 35-201; Baldwin 8410. Acts 1907, 1913; Burns 35-115; Baldwin 8398.

order to prevent the spread of epidemics; protects the public health in all reasonable and necessary ways;¹⁶ refers cases of indigent persons bitten by a dog, known or supposed to have hydrophobia, to the state board of health for the Pasteur treatment;¹⁷ orders hydrophobia-infected animals quarantined or killed;¹⁸ and, in case there is danger of the outbreak or spread of hydrophobia, he, with the aid of the sheriff, muzzles or quarantines all dogs and other animals within his jurisdiction.¹⁹

The county health officer each week mails to the state board of health a report summarizing all cases of contagious diseases. If there are no cases to report, he mails a printed blank marked "no cases reported."²⁰

The county health officer collects, records, and reports the vital statistics of the county; issues burial permits;²¹ and keeps full and permanent records of the public health work and of his reports. He makes monthly reports of his work to the state board of health.²² He prepares and delivers to the clerk of the circuit court, on his request therefor, a list of the names and last known addresses of deceased voters.²³

VITAL STATISTICS

289. RECORD OF BIRTHS, 1882-. 10 vols.

Record of births reported to health officer, showing date of birth and report, name, sex, race and birthplace of child, name of attending physician, names, ages, occupations and nationality of parents, and nature of birth. Arr. chron. by dates of reports. Indexed alph. by names of parents. Hdw. 400 pp. 18 x 12 x 2. Hlth. offr. off.

290. RECORD OF MARRIAGES, 1882-. 11 vols.

Record of marriages reported to health officer, showing date of report, date and place of marriage, names, ages, color,

¹⁶ Acts 1891, 1909; Burns 35-111; Baldwin 8405.

¹⁷ Acts 1911; Burns 35-706; Baldwin 3859.

¹⁸ Acts 1911; Burns 35-707; Baldwin 3860.

¹⁹ Acts 1911; Burns 35-708; Baldwin 3861.

²⁰ Acts 1907, 1913; Burns 35-115, 35-116; Baldwin 8398, 8399. Rule 6 of state board of health.

²¹ Acts 1891, 1909; Burns 35-111; Baldwin 8405. Acts 1907, 1913; Burns 35-115; Baldwin 8398.

²² Acts 1891, 1909; Burns 35-111; Baldwin 8405.

²³ Acts 1933; Burns 29-321; Baldwin 7319.

occupation and birthplaces of bride and groom, and names of parents, witnesses and officiating officer. Arr. chron. by dates of reports. Indexed alph. by names of brides and grooms. Hdw. 300 pp. 18 x 12 x 2. Hlth. offr. off.

For other marriage records, see entries 28-32.

291. CONTAGIOUS DISEASES, 1882-. 2 vols.

Record of contagious diseases reported to health officer, showing dates of report and quarantine, name, age, race, sex, address and family history of patient, nature and duration of disease, and name of attending physician. Arr. chron. by dates of reports. No index. Hdw. 220 pp. 18 x 12 x 2. Hlth. offr. off.

292. RECORD OF DEATHS, 1882-. 7 vols.

Record of deaths reported to health officer, showing date of death and report, name, age, sex, race and nationality of deceased, nature and duration of illness, and place of death. Arr. chron. by dates of reports. Indexed alph. by names of decedents. Hdw. 150 pp. 18 x 12 x 2. Hlth. offr. off.

XXIII. PUBLIC HEALTH NURSE

LEGAL STATUS

Under the permissive provisions of an act of 1935, Posey County has a full-time public health nurse who is appointed for an indefinite term by the board of commissioners (subject to the approval of the Indiana State Board of Health). She may be removed from office at any time by the board of commissioners without charges being made against her.¹ The nurse must be "legally qualified"; must have been suitably trained in sanitary science;² must have knowledge of mental hygiene and nutrition;³ must be of vigorous health; must demonstrate that she has high ideals, that she acts in accordance with ethical standards, and that she can be depended on to exercise good judgment; must be industrious and efficient;

¹ Acts 1935; Burns, 1939 suppl., 35-111, 35-123; Baldwin, 1935 suppl., 8404-1, 8404-6. Letter of March 6, 1940 from James P. Wason, Deputy Attorney General of Indiana, to Dr. Christopher B. Coleman, Director of the Indiana Historical Bureau, concerning the term of office and removal of public health nurses.

² Acts 1935; Burns, 1939 suppl., 35-123; Baldwin, 1935 suppl., 8404-6.

³ Interview of May 17, 1940 with Dr. Verne K. Harvey, director of the state board of health.

and must have "ability to get on well with other people."⁴ Her compensation is fixed by the board of commissioners and included in an appropriation by the county council. There are no statutory limitations on the amount of her compensation.⁵

FUNCTIONS AND RECORDS

The public health nurse devotes her entire time to the duties of her office in protecting and supervising the general health and sanitation in Posey County; performs such duties as are prescribed by regulations of the state board of health;⁶ helps to secure early medical diagnosis and treatment for sick, diseased, and ailing persons; renders or arranges for necessary nursing care; teaches through demonstration the care to be given by relatives and attendants of sick, diseased, and crippled persons and invalids, and supervises such care; assists families and individuals to plan and carry out medical, sanitary, and social procedures for the prevention of disease and the promotion of health; helps to secure adjustment of social conditions which affect health; influences the community to develop public health facilities through participating in appropriate channels of community education for the promotion of a sound and adequate community health program; shares in community action leading to betterment of health conditions; participates in programs for the prevention of physical and mental handicaps of children; and assists in the education of handicapped children. Her duties extend to the following specific subjects: Maternity, infant and pre-school health, school health, adult health, communicable diseases in general, tuberculosis, syphilis, gonorrhea, noncommunicable diseases in general, orthopedic service, vital statistics, sanitation, nutrition, and mental hygiene. Her work is supervised by a superintendent nurse for the health district composed of the counties of Gibson, Pike, Posey, and Warrick.⁷

Concerning maternity, the nurse assists in securing medical and dental examination and supervision early in pregnancy and throughout the antepartum period; assists in planning and preparing for confinement and in securing a postpartum medical examination; gives assistance at home confinements

⁴ Regulation adopted by state board of public health on February 17, 1940.

⁵ Acts 1925; Burns, 1939 suppl., 35-123; Baldwin, 1935 suppl., 8404-6.

⁶ *Ibid.*

⁷ Interview of May 17, 1940 with Dr. Verne K. Harvey, director of the state board of health.

and care to the mother and baby during the postpartum period; helps the family to carry out specific medical advice as to maternal hygiene and infant care; and participates in promoting adequate resources for maternity care through utilizing appropriate channels of community education.⁸

Concerning infant and preschool health, the nurse assists in securing complete birth registration; assists in securing medical supervision, dental examination, and correction of defects for every child; assists in the control of communicable diseases through teaching the recognition of early symptoms, the importance of isolation, and the value of immunization; and assists the family to carry out general and specific medical instruction concerning hygiene and the daily regime of the child, including instruction of parents in the desirability of early establishment of sound health habits.⁹

Concerning school health, the nurse participates in formulating and developing a health education program based on the needs of the pupils; assists physicians and dentists in the examination of pupils and the interpretation of findings to teachers, parents, and children; teaches the value of adequate health supervision and facilities for medical and nursing care, and assists in securing corrections of defects; inspects pupils; instructs teachers, parents, and pupils to observe and recognize deviations from normal health; assists in the control of communicable diseases through teaching the recognition of early symptoms, the importance of isolation, and the value of immunization; promotes the maintenance of a healthful school environment—physical, emotional, and social; arranges for the care of emergency and minor injuries and illness in accordance with standing medical orders; develops relationships to co-ordinate school nursing activities with all other health forces of school, home, and community and to promote community health resources; participates in curriculum making; and instructs classes in the principles of healthful living and care of the sick.¹⁰

Concerning adult health, the nurse encourages periodic health examination; teaches the fundamentals of personal hygiene in order to assist in the prevention and retardation of those diseases specific to adult life; and assists in securing early diagnosis and treatment of those diseases.¹¹

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ *Ibid.*

¹¹ *Ibid.*

Concerning communicable diseases in general, the nurse promotes the complete reporting of reportable diseases; teaches the need of medical care; assists the family to carry out isolation and general and specific medical instructions; interprets health department procedure to individuals and groups; assists in making epidemiological investigations; instructs parents, teachers, and other individuals and groups to recognize early symptoms, to isolate suspicious cases, to carry out proper precautions, to prevent the spread of disease, and to appreciate the importance of adequate convalescent care; and helps under medical direction to secure specific immunization.¹²

Concerning tuberculosis, the nurse assists in finding cases and making contacts and obtaining reports of all cases; assists in making epidemiological investigations; helps to arrange for sanatorium and postsanatorium care and rehabilitation of the patient when indicated; teaches the patient and family the importance of personal hygiene and the precautions to be taken to prevent the spread of disease; helps the patient and his family to maintain a mental and social adjustment toward a long-term communicable disease; helps to educate the public concerning the unmet needs of the community for the prevention, control, and care of tuberculosis; and assists in integrating services of clinics, sanatoriums, private physicians, health department, and other related health and social agencies.¹³

Concerning syphilis and gonorrhea, the nurse assists in finding cases and making contacts; assists in making epidemiological investigations; promotes the reporting of cases; promotes continued treatment through assisting the patient to follow prescribed routines; teaches the patient and family the importance of personal hygiene and the precautions to be taken to prevent the spread of these diseases; and teaches scientific facts concerning these diseases to individuals and groups to help eliminate the stigma inflicted by modern society upon the victims of these diseases.¹⁴

Concerning noncommunicable diseases, the nurse assists in securing special care for patients having special types of disability, such as orthopedic and cardiac conditions, arthritis, diabetes, and cancer; observes and assists in adjustment of health situations in the homes of patients; teaches general

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ *Ibid.*

hygiene and the prevention of disease; and puts the family in touch with community resources.¹⁵

Concerning orthopedic service, the nurse assists in finding orthopedic cases; observes and helps others to recognize environmental conditions or habits which might produce postural or other orthopedic defects, and helps to eliminate such conditions; observes and helps to eliminate conditions for bed patients which might cause contractures, foot drop, or spinal curvature; observes and teaches others to recognize signs of orthopedic defects; gives or obtains skilled physiotherapy treatment under medical direction to prevent deformities and to secure maximum return of power to muscles and joints; and teaches the patient and his family the importance of self reliance on the part of the crippled person, promoted by encouraging independence in daily routines and interest in useful occupations.¹⁶

Concerning vital statistics, the nurse teaches, as a part of the antepartum care, the value of birth registration and the importance of accurate statements on the birth certificate; makes sure that all births are registered before closing maternity cases; reports to the county health officer all births and stillbirths known to the nurse; and assists in morbidity and mortality studies which are useful in determining needs and formulating programs.¹⁷

Concerning sanitation, the nurse ascertains the source of water supply and the means of excreta disposal in the homes visited by her, and notifies the county health officer when these do not appear to be safe; teaches the importance of correcting unsatisfactory conditions, and the methods of immediate protection pending their correction; observes the ventilation and screening in the homes visited; teaches the importance of screens; inquires concerning the source of the milk supply; and teaches standards and the importance of sanitary methods of milk production and handling.¹⁸

Concerning nutrition and mental hygiene, the nurse uses the resources of the community which contribute to good nutrition; observes signs of poor nutrition and their contributing conditions; instructs families concerning the relationship of nutrition to health and normal growth and development; assists families to adopt nutrition information to their own

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ *Ibid.*

¹⁸ *Ibid.*

economic and social situations; keeps in mind the variations in human behavior and their significance; uses the mental health resources of the community; and tries to make more productive all contacts with families and individuals.¹⁹

In accordance with the regulations of the state board of health, the public health nurse makes reports to the county health officer, the state board of health, physicians, and co-operating agencies, and keeps records of her work. Special care must be taken to make these reports and records as accurate as possible.²⁰

293. MANTOUX TEST, 1936-. 2 f. d.

Card record of persons given Mantoux test for tuberculosis, showing date of test, name, age, date of birth, sex, color and address of patient, results of test, and name of attending physician. Arr. alph. by names of patients. No index. Hdw. and typed. 4 x 6 x 16. Hlth. nurse off.

294. ACTIVE CASES, 1937-. 2 f. d.

Records and reports compiled by health nurse, including:

- i. Household rosters, showing names of parents and children, dates of birth and death, age at death, cause of death, significant, economic and social data, and summary of cases. Arr. alph. by names of parents.
- ii. Records and reports on infant, preschool, school health, crippled children and maternity supervision, showing names of parents and patients, dates of visits, home conditions, immunization, disease experience, and complete economic and social data on all cases. Arr. alph. by names of patients.

No index. Hdw. 6 x 9 x 16. Hlth. nurse off.

295. INACTIVE CASES, 1937-. 2 f. d.

Records and reports compiled by health nurse, showing same information as in entry 294ii. Arr. alph. by names of patients. No index. Hdw. 6 x 9 x 16. Hlth. nurse off.

XXIV. COUNTY DEPARTMENT OF PUBLIC WELFARE

LEGAL STATUS

The department of public welfare of Posey County was

¹⁹ *Ibid.*

²⁰ *Ibid.*

created in 1936. Its affairs are administered by the county board of public welfare and a county director of public welfare.¹ The department is a legal entity and its official name is "The County Department of Public Welfare of Posey County." It may sue and be sued in that name.²

Before the present system of welfare was organized, the county administered aid to the poor and needy through discretionary powers granted to the county. County asylums were established at an early date to care for those who were without homes and means to care for themselves.³ An act of 1857 authorized the board of commissioners to give aid to needy blind and infirm poor.⁴ In 1901 the board of children's guardians was established in the county to provide adequate care and supervision of neglected and dependent children.⁵ The board of county charities and corrections (organized in 1899) inspected and advised changes in the county institutions.⁶ A system of old-age pensions was provided for by an act of 1933.⁷ These previous methods of welfare assistance were merged into the present welfare law.⁸

Since the early days of the county, township poor relief has been administered by township overseers of the poor (now the township trustee), from funds raised by township tax levies. Such poor relief is separate and distinct from the public welfare system discussed herein, but the two systems are often confused by the public.⁹

¹ Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1117 to 52-1119, 52-1126; Baldwin, 1937 suppl., 14078-18 to 14078-20, 14078-27.

² Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1122(a); Baldwin, 1937 suppl., 14078-23.

³ Const. 1816, art. 9, sec. 4. Const. 1851, art. 9, sec. 3. Rev. Stat. 1843, ch. 19, sec. 34. 1 Rev. Stat. 1852; Burns 52-201; Baldwin 13360. Acts 1901; Burns 52-104; Baldwin 13361.

⁴ Acts 1857; Burns 26-1202; Baldwin 5295.

⁵ Acts 1901, 1923, 1927; Burns 22-2801, 22-2802; Baldwin 5684, 5685.

⁶ Acts 1899; Burns 22-2901 to 22-2903; Baldwin 4116 to 4118.

⁷ Acts 1933, ch. 36, secs. 1-27 (all repealed by Acts 1936 (Spec. Sess.), ch. 3, sec. 129).

⁸ Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1121, 52-1410; Baldwin, 1937 suppl., 14078-22, 14078-122.

⁹ Const., 1816, art. 12, sec. 4. Acts 1807, ch. 23, secs. 1-31. Acts 1816-17, ch. 26, sec. 1. Acts 1817-18 (general), ch. 14, secs. 1-24. Rev. Laws 1824, ch. 15, sec. 7; ch. 72, secs. 1-25. Rev. Laws 1831, ch. 69, secs. 1-27. Rev. Stat. 1838, ch. 20, sec. 20. Rev. Stat. 1843, ch. 5, sec. 69. 1 Rev. Stat. 1852, ch. 81, secs. 1-38. Acts 1901, ch. 147, secs. 1-39. Acts 1935; Burns, 1939 suppl., 52-145 to 52-182a; Baldwin, 1935 suppl., 13320-2 to 13359-12. Commissioners' Record, A:28.

The county board of public welfare consists of five members appointed for four-year terms by the judge of the circuit court. Each member serves until his successor has been appointed and qualified. The members must have been residents of the county for at least two years before appointment, must have a definite and recognized interest in public welfare, and must take an oath of office. The judge of the circuit court may, at any time, after due notice in writing, remove any member of the board for misconduct, incapacity, or neglect of duty. At least two of the board members must be women and not more than three members may be adherents of the same political party. Regular meetings are held once a month. The August meeting is known as the annual meeting. Other meetings may be held pursuant to call. Three members of the board constitute a quorum for transacting business.¹⁰

The members of the county board of public welfare serve without compensation, but each member is entitled to receive five cents per mile for each mile actually and necessarily travelled in attending board meetings and state conventions of county board members.¹¹

Executive and administrative work of the county department of public welfare is carried on by the county director of public welfare. He is appointed by the county board of public welfare solely on the basis of merit from eligible lists established by the Indiana State Department of Public Welfare and serves as secretary of the board. He must have resided in the county at least two years before appointment, unless no qualified person is available. He must take an oath of office and post bond, in an amount fixed by the state department of public welfare, not exceeding \$5,000, to be approved by the judge of the circuit court and filed in the office of the clerk of the circuit court. He may be removed from office by the state department if his prescribed duties, functions, and activities are not performed in compliance with the statute.¹²

The county director of public welfare receives a salary in an amount fixed by the county board of public welfare, within the salary ranges established by the state department.

¹⁰ Const. 1851, art. 15, sec. 4. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054. Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1118; Baldwin, 1937 suppl., 14078-19.

¹¹ Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1118; Baldwin, 1937 suppl., 14078-19.

¹² Const. 1851, art. 15, sec. 4. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054. Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1119; Baldwin, 1937 suppl., 14078-20.

He also receives five cents per mile for each mile necessarily travelled in the discharge of his duties.¹³

The county director, with the approval of the county board, appoints the assistants in the department, from eligible lists compiled by the state department of public welfare, and determines the salaries of these assistants. Each assistant must have been a resident of the county for at least two years prior to his appointment, unless a qualified person cannot be found.¹⁴

FUNCTIONS AND RECORDS

Subject to the rules and regulations prescribed by the state department of public welfare, the county department is charged by statute with the administration of assistance to dependent children in their own homes, old-age assistance, the care and treatment of dependent, neglected, and handicapped children and children in danger of becoming delinquent, and services and assistance to the blind and to persons otherwise handicapped. The state and county departments also administer provisions and benefits of the federal "Social Security Act" of August 14, 1935. The county director performs duties of probation officer of the circuit court when so directed by the circuit court. The county department reports to the state department. Necessary quarters for the county department must be provided by the board of commissioners.¹⁵

Expenditures for welfare assistance and administrative expenses (including rent of office quarters) of the county department are paid from the county welfare fund raised by a separate tax levy,¹⁶ to which are added such repayments as may be made under legal liability by recipients, their parents, children, or other persons liable for their support.¹⁷ Old-age assistance certificates, filed with the recorder, establish liens against estates of recipients to insure reimbursement.¹⁸ The county receives funds from the state, to

¹³ Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1119; Baldwin, 1937 suppl., 14078-20. Interview of August 14, 1939 with Thurman A. Gottschalk, administrator of the state department of public welfare.

¹⁴ Acts 1936 (Spec. Sess.); 1937; Burns, 1939 suppl., 52-1123; Baldwin, 1937 suppl., 14078-24.

¹⁵ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1113, 52-1120; Baldwin, 1937 suppl., 14078-14, 14078-21.

¹⁶ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1120, 52-1301; Baldwin, 1937 suppl., 14078-21, 14078-98.

¹⁷ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1263; Baldwin, 1937 suppl., 14078-94.

¹⁸ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1207; Baldwin, 1937 suppl., 14078-33.

the extent of 50 percent of the amount expended by the county department, and a part of any federal funds granted to the state, to be paid into the county welfare fund.¹⁹ All claims for administrative expenses are subject to allowance by the board of commissioners. Claims for assistance are determined by the department and approved by the director, and need not be allowed by the board of commissioners.²⁰ The county board of public welfare may accept gifts of personal property or income from real estate, for the homes or support of dependent children.²¹

The auditor keeps the records relating to the county welfare fund and its financial transactions.²² The county department keeps such records and accounts relating to assistance as the state department of public welfare prescribes.²³ All records are confidential, except the following: (a) Application for assistance, (b) awards, and (c) modification and revocation of awards.²⁴

PROCEEDINGS

296. MINUTE BOOK, 1936-. 1 vol.

Minutes of meetings of board of public welfare, showing date of meeting, names of members present, nature of business transacted, and action taken. Arr. chron. by dates of meetings. No index. Typed. 250 pp. 12 x 9 x 1½. Pub. welf. off.

297. RECOMMENDATION OF COUNTY DIRECTOR OF PUBLIC WELFARE, 1936-. 1 vol.

Record of recommendations of county director and action of county board of public welfare as to, awards, rejections, changes, modifications and revocations or cancellations of assistance, showing application, recommendation and certificate numbers, dates of recommendation and action, names of applicant or recipient, and amount of award. Arr. chron. by dates of recommendations. No index. Typed. 75 pp. 10 x 16 x 1. Pub. welf. off.

¹⁹ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1219, 52-1249, 52-1254; Baldwin, 1937 suppl., 14078-50, 14078-80, 14078-85. Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1124a; Baldwin, 1937 suppl., 14078-24a.

²⁰ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1124; Baldwin, 1937 suppl., 14078-25.

²¹ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1122(b); Baldwin, 1937 suppl., 14078-23.

²² Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1401; Baldwin, 1937 suppl., 14078-113.

²³ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1260; Baldwin, 1937 suppl., 14078-91.

²⁴ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1262; Baldwin, 1937 suppl., 14078-93.

OLD-AGE ASSISTANCE
(See also entries 84, 85)

298. REGISTER OF APPLICATIONS, 1936-. 1 vol.

Register of applications for assistance to the aged, the blind, and to dependent children, showing date and number of application, name of applicant, certificate of award number, and amount of award. Arr. num. by application nos. For index, see entry 299. Hdw. 100 pp. 10 x 16 x 1½. Pub. welf. off.

299. CARD INDEX TO CASES, 1936-. 3 f. d.

Card index to Register of Applications, entry 298, showing date, number and nature of application, name of applicant, and page reference to recording. Arr. alph. by names of applicants. No index. Hdw. 5 x 12 x 24. Pub. welf. off.

300. ALLOWANCE SCHEDULE FOR OLD-AGE ASSISTANCE, 1936-.
1 vol.

Monthly allowance schedules for old-age assistance, showing date of schedule, application number, name of recipient, and date, number and amount of warrant for each payment. Arr. chron. by dates of schedules. No index. 150 pp. 10 x 16 x 2. Pub. welf. off.

301. RECORD OF ASSISTANCE GIVEN, 1936-. 1 vol.

Record of old-age assistance granted, showing application number, name and address of recipient, amounts paid under 1933 and 1936 acts, amounts paid in county of former residence, assignments of life insurance policies and other assets, and dates, numbers and amounts of warrants for payments of awards. Arr. num. by application nos. No index. 100 pp. 16 x 10 x 1. Pub. welf. off.

302. RECORD OF ASSISTANCE, INACTIVE, 1936-. 1 vol.

Record of old-age assistance withdrawn or cancelled by death of recipient, showing application number, name and address of recipient, amounts paid under 1933 and 1936 acts, amounts paid in county of former residence, assignments of life insurance policies and other assets and distribution of proceeds, burial expenses, recovery of assistance, and dates, numbers and amounts of warrants for payment of awards. Arr. num. by application nos. No index. Hdw. 100 pp. 10 x 16 x 1. Pub. welf. off.

DEPENDENT CHILDREN

303. DEPENDENT CHILDREN ALLOWANCE SCHEDULE, 1936-. 1 vol.

Monthly allowance schedules for assistance to dependent chil-

dren, showing date of schedule, application number, name of recipient, and date, number and amount of warrant for each payment. Arr. chron. by dates of schedules. No index. 40 pp. 10 x 18 x 1½. Pub. welf. off.

304. RECORD OF ASSISTANCE GIVEN DEPENDENT CHILDREN, 1936-.
1 vol.

Record of payments for support of dependent children, showing application, code and serial numbers, name, age and sex of child, name and address of parent, guardian or custodian, date and amount of award, number and amount of warrant, and total payments for year. Arr. num. by application nos. No index. Hdw. 100 pp. 10 x 16 x 1½. Pub. welf. off.

FINANCIAL RECORD

305. REGISTER OF CLAIMS FILED AND WARRANTS ISSUED, 1936-.
1 vol.

Record of all claims filed, approved and warrants issued, showing dates of claim and warrant, appropriation, claim and warrant numbers, amounts of appropriation, claim and warrant, nature of claim, and name of payee. Arr. chron. by dates of warrants. No index. Hdw. 100 pp. 16 x 10 x 1½. Pub. welf. off.

306. CERTIFICATE OF CLAIM REGISTER, 1936-. 1 vol.

Copies of monthly certificates of county director and auditor to state department of public welfare of claims paid, showing date of certificate, names of county director and auditor, and total amount of claims for month. Arr. chron. by dates of certificates. No index. Hdw. 100 pp. 16 x 10 x 1. Pub. welf. off.

307. CLAIM FOR PERSONAL SERVICE, 1937-. 1 vol.

Record of claim for administrative costs, showing number of employees, rate of pay, name and classification of employee, date, number and amount of warrant, and apportionment of cost to various types of assistance. Arr. chron. by dates of warrants. No index. Hdw. 30 pp. 10 x 18 x 1½. Pub. welf. off.

308. RECEIPT BOOK, 1936-. 1 vol.

Carbon copies of receipts issued for amounts reclaimed for old-age assistance, showing date, number and amount of receipt, names and addresses of recipient and payer, and classification of assistance. Arr. num. by receipt nos. No index. Hdw. 100 pp. 16 x 10 x 1. Pub. welf. off.

XXV. SURVEYOR

LEGAL STATUS

The surveyor of Posey County is a constitutional officer, elected by the voters of the county for a two-year term, without restriction on re-election.¹ He is commissioned by the Governor of Indiana² and holds office until his successor is elected and qualified.³ The surveyor must be an elector of the county and must have been an inhabitant thereof during one year next preceding his election or appointment;⁴ and, while holding the office of surveyor, he must reside within the county and must not hold any other lucrative office.⁵ He must post bond in an amount of not less than \$5,000, approved by the board of commissioners and filed with the clerk of the circuit court,⁶ and take an oath that he will support the state and federal constitutions and will faithfully discharge the duties of his office.⁷

The surveyor receives a regular salary of \$875 per year.⁸ The law provides that his salary shall be one and one-half times that amount if he is "a qualified licensed engineer."⁹ When he furnishes his own or a hired conveyance, he receives six cents for each mile necessarily travelled by him while performing his duties concerning drainage.¹⁰ He is not entitled to retain, as compensation for himself, any fees collected by him.¹¹

For sufficient legal grounds the surveyor may be removed from office by the circuit court, after trial by jury on an accusation presented by the grand jury or verified by the oath of any person; and such removal is subject to review by the

¹ Const. 1851, art. 6, sec. 2. 1 Rev. Stat. 1852; Burns 49-3201; Baldwin 5504.

² Const. 1851, art. 15, sec. 6. 1 Rev. Stat. 1852; Burns 49-201; Baldwin 13095.

³ Const. 1851, art. 15, sec. 3. Pursel v. State *ex rel.* Roney (1887), 111 Ind. 519, 12 N. E. 1003; Boyles v. State *ex rel.* Riggs (1887), 112 Ind. 147, 13 N. E. 415.

⁴ Const. 1851, art. 6, sec. 4.

⁵ *Ibid.*, art. 2, sec. 9; art. 6, sec. 6.

⁶ Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-104, 49-105, 49-120; Baldwin 13057, 13063, 13068. Acts 1913; Burns 49-3302 to 49-3304; Baldwin 5505 to 5507.

⁷ Const. 1851, art. 15, sec. 4. Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054.

⁸ Acts 1933; Burns 49-1004; Baldwin 7534.

⁹ Acts 1933; Burns 49-1010; Baldwin 7540.

¹⁰ Acts 1933; Burns 27-103; Baldwin 5739.

¹¹ Acts 1933; Burns 49-1005; Baldwin 7535.

supreme court.¹² If the surveyor is convicted of a felony the judgment of conviction must declare his office vacant.¹³

Any vacancy in the office of surveyor is filled through appointment by the board of commissioners. The appointee must take oath and post bond as was required of his predecessor, and holds office for the unexpired term and until his successor is elected and qualified.¹⁴

The board of commissioners may appoint, on the recommendation of the surveyor, such number of deputy surveyors as may be necessary, determine whether they be full-time or part-time employees, and fix the salary of each deputy in an amount not exceeding \$200 per month. Such salaries are paid from the county treasury after an appropriation therefor is made by the county council. The surveyor may require any deputy to give bond. The deputies must take an oath of office, may perform all of the surveyor's official duties, are subject to the same regulations and penalties, and may be removed from office by the board of commissioners. The township trustees are ex officio deputy surveyors (without additional compensation) in their respective townships.¹⁵

Before the adoption of the Constitution of 1851,¹⁶ the county surveyor was a statutory officer. From the organization of Posey County in 1814 until 1833 he was appointed for an indefinite term by the court or board doing county business. From 1833 until 1843 he was appointed for a three-year term by the circuit court. From 1843 until 1851 he was appointed for a three-year term by the board doing county business.¹⁷

¹² Const. 1851, art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1897, 1899; Burns 49-821 to 49-834, 49-836; Baldwin 13154 to 13166, 13050, 13163. Acts 1875; Burns 49-637; Baldwin 13052.

¹³ Acts 1897, 1899; Burns 49-834; Baldwin 13050.

¹⁴ Const. 1851, art. 6, sec. 9. Acts 1831 (Spec. Sess.); Burns 29-701; Baldwin 7081. 1 Rev. Stat. 1852; Burns 49-405, 49-408, 49-409; Baldwin 13104, 13106, 13107. State *ex rel.* Culbert v. Linkhauer (1895), 142 Ind. 94, 41 N. E. 325. Interview of August 23, 1939 with Omer Stokes Jackson, Attorney General of Indiana.

¹⁵ Acts 1933; Burns 27-102, 35-1103; Baldwin 5728, 8701. 1 Rev. Stat. 1852, Acts 1855, 1935; Burns 49-501; Baldwin 13108. 1 Rev. Stat. 1852; Burns 49-502, 49-3207; Baldwin 13109, 5512. Acts 1933, 1935, 1937; Burns, 1939 suppl., 49-3230; Baldwin, 1937 suppl., 5511.

¹⁶ Const. 1851, art. 6, sec. 2.

¹⁷ Acts 1807, ch. 44, sec. 4. Acts 1814, ch. 7, sec. 1. Acts 1815, ch. 5, sec. 16. Acts 1817-18 (general), ch. 20, sec. 1. Rev. Laws 1824, ch. 104, sec. 1. Rev. Laws 1851, ch. 102, sec. 1. Acts 1832-33, ch. 74, secs. 4, 5. Rev. Stat. 1838, ch. 103 (1), sec. 1; ch. 103 (2), secs. 4, 5. Rev. Stat. 1843, ch. 4, sec. 48; ch. 10, sec. 1.

FUNCTIONS AND RECORDS

The surveyor has charge, under the direction of the board of commissioners, of all surveying and civil engineering of the county. He has charge of the preparation of plans and specifications for the construction of all roads, bridges, ditches, drains, and levees; and he supervises such construction. He also has charge of the maintenance of all ditches and drains.¹⁸ If he is not a licensed engineer or is disqualified from performing his duties by reason of ownership of lands or kinship to any person whose lands are affected, the court appoints a disinterested licensed engineer to act in the matter.¹⁹

For private parties the surveyor takes acknowledgments of mortgages and deeds for the conveyance of real estate,²⁰ and, upon request, makes surveys to establish lines and corners of lands.²¹ Surveys made by the surveyor are prima-facie evidence in favor of corners established and lines run, but an appeal to the circuit court may result in a re-survey by some other competent person.²² The surveyor charges for his services the fees provided by statutory schedule and pays the same over to the county treasurer.²³

Since 1933 it has been the duty of the county surveyor to supervise the maintenance of county highways, bridges, and culverts, unless the board of commissioners appoints another person to serve as county highway supervisor.²⁴ Posey County has a county highway supervisor other than the surveyor.²⁵

The surveyor is required to attend all sessions of the annual road school conducted by Purdue University. His expenses for such attendance are paid from the general fund of the county.²⁶

¹⁸ Acts 1933; Burns 27-101, 27-103, 27-104, 27-107 to 27-109, 27-111 to 27-116; Baldwin 5737, 5739, 5740, 5743 to 5745, 5747 to 5752. 1 Rev. Stat. 1852, Acts 1911; Burns 49-3309; Baldwin 5508.

Work done by employees of Civilian Conservation Corps or Work Projects Administration under supervision of the county surveyor. Acts 1939; Burns, 1939 suppl., 27-233; Baldwin, 1939 suppl., 5794-9.

¹⁹ Acts 1933; Burns 27-102; Baldwin 5738.

²⁰ 1 Rev. Stat. 1852, Acts 1857; Burns 49-3317; Baldwin 5519.

²¹ Rev. Laws 1831, ch. 102, sec. 6. 1 Rev. Stat. 1852, Acts 1875; Burns 49-3311, 49-3312; Baldwin 5509, 5510.

²² 1 Rev. Stat. 1852; Burns 49-3313; Baldwin 5515. Acts 1901; Burns 49-3314; Baldwin 5516.

²³ Acts 1875 (Spec. Sess.); Burns 49-3318; Baldwin 5521.

²⁴ Acts 1933; Burns 36-1101, 36-1102, 36-1110; Baldwin 8699, 8700, 8708.

²⁵ See the essay entitled "County Highway Snpervisor."

²⁶ Acts 1925; Burns 49-3323; Baldwin 5520.

On application of the surveyor it is the duty of the board of commissioners to provide for the location and establishment of a true and permanent meridian line at or near the county seat and upon public lands belonging to the county. After the completion and location of such established meridian line, the surveyor must file with the recorder a complete description of the marked meridian line and thereafter check his instruments against the line as often as necessary.²⁷

The deputies return to the surveyor all field notes taken by them.²⁸ The surveyor is required to preserve a copy of the original field notes of the surveys of the townships in his county²⁹ and keep a record of all surveys made by him.³⁰

SURVEYS

309. FIELD NOTES AND PLAT OF REAL ESTATE, 1806-. 5 vols.
(A, B, and three vols. not labelled).

Record of field notes made at time of making surveys, showing date of survey, name of property owner, and descriptive plat of survey. Arr. chron. by dates of surveys. No index. Hdw. 250 pp. 18 x 12 x 2. Surv. off.

310. SURVEYOR'S RECORD, 1857-. 11 vols.

Record of all surveys made, showing date of survey, location and description of land, and drawing of each survey. Arr. chron. by dates of surveys. No index. Hdw. 220 pp. 24 x 14 x 2. Surv. off.

311. SURVEY OF HOVEY'S LAKE, 1919-. 2 drawings.

Plats of surveys of Hovey's Lake, showing date of survey, names of land owners, and location of land. Drawn by T. J. Johnson. Blueprint. Scale: 1" to 1,000'. 16 x 12. Surv. off.

312. SURVEYS FOR CONSERVATION, 1919. 2 drawings.

Plats of surveys of towns and lands for drainage purposes, showing date of survey, names of landowners and towns, and location and elevation of land. Drawn by T. J. Johnson, Mount Vernon. Blueprint. No scale given. 24 x 20. Surv. off.

313. PLATS OF POSEY COUNTY, 1806. 12 drawings.

Plats of that portion of Indiana Territory later comprising Posey County, showing date of plat, section, township and

²⁷ Acts 1895; Burns 49-3327, 493328; Baldwin 10349, 10350.

²⁸ 1 Rev. Stat. 1852; Burns 49-3307; Baldwin 5513.

²⁹ Rev. Laws 1831, ch. 102, sec. 5. 1 Rev. Stat. 1852, Acts 1911; Burns 49-3303; Baldwin

³⁰ 1 Rev. Stat. 1852, Acts 1875; Burns 49-3311; Baldwin 5509.

range numbers, and farm lands, lots, towns, rivers, creeks and roads in each section. Drawn by Robb Benton, Springfield. Hand drawn. Scale: 1" to 40 chains. 20 x 24. Surv. off.

PUBLIC IMPROVEMENTS

(See also entries 18-20, 190, 191, 233, 234, 350)

ROADS

314. HIGHWAY IMPROVEMENT, 1931. 17 drawings.

Plans for proposed improvements on Posey County roads, showing date of plan, and location and specifications of proposed improvements. Drawn by Alvin E. Gempler, Mount Vernon. Blueprint. Scale: 1" to 1,000'. 36 x 24. Surv. off.

315. HIGHWAY IMPROVEMENTS, 1931. 14 drawings.

Plans for improvements on various highways in Center Township, showing date of plan, names of road and township, and location and specifications of project. Drawn by Alvin E. Gempler. Blueprint. Scale: 1" to 1,000'. 36 x 24. Surv. off.

316. WALTER BREEZE HIGHWAY, 1931. 3 drawings.

Plans of improvements on Walter Breeze Highway, showing date of plan, and name, location and specifications of project. Drawn by Alvin E. Gempler. Blueprint. No scale given. 30 x 24. Surv. off.

317. LURKEE HIGHWAY, 1931. 5 drawings.

Plans for improvements on Lurkee Highway, showing date of plan, and name, location and specifications of project. Drawn by Alvin E. Gempler, Mount Vernon. Blueprint. Scale: 1" to 1,000'. 36 x 24. Surv. off.

318. WILLIAMS HIGHWAY IN LYNN TOWNSHIP, 1931. 16 drawings.

Plans for improvements and new cuts on Williams Highway, showing date of plan, and locations, descriptions and specifications of improvements and cuts. Drawn by Alvin E. Gempler, Mount Vernon. Blueprint. No scale given. 36 x 24. Surv. off.

319. MANCHETTE HIGHWAY IMPROVEMENTS, 1931. 5 drawings.

Plans for improvements on Manchette Highway, showing date of plan and name, location and specifications of project. Drawn by Alvin E. Gempler, Mount Vernon. Blueprint. Scale: 1" to 1,000'. 30 x 20. Surv. off.

320. ALLDRIDGE HIGHWAY, 1931. 4 drawings.

Plans for straightening and elevating Alldridge Highway, showing date of plan, and name, location and specifications of project. Drawn by Alvin E. Gempler, Mount Vernon. Blueprint. No scale given. 30 x 20. Surv. off.

321. F. RIENEKE HIGHWAY, 1931. 3 drawings.

Plans of proposed improvements on F. Rieneke Highway, showing date of plan, location of part of road to be improved, and specifications of project. Drawn by Alvin E. Gempler, Mount Vernon. Blueprint. Scale: 1" to 1,000'. 36 x 24. Surv. off.

322. TUCKER HIGHWAY, 1931. 5 drawings.

Plans for improvements on Tucker Highway, showing date of plan and name, location and specifications of project. Drawn by Alvin E. Gempler. Blueprint. Scale: 1" to 1,000'. 36 x 20. Surv. off.

323. WALTER CALE HIGHWAY, 1931. 3 drawings.

Plans for improvements of Walter Cale Highway, showing date of plan, and name, location and specifications of project. Drawn by Alvin E. Gempler. Blueprint. Scale: 1" to 1,000'. 36 x 24. Surv. off.

324. STATE HIGHWAY MT. VERNON TO EVANSVILLE, 1933. 22 drawings.

Plans for improvement of state highway, Mount Vernon to Evansville, showing date of plan, name of road, and specifications of detours, approaches, rip-rap and metal joints. Drawn by State Highway Commission of Indiana, Indianapolis. Blueprint. Scale: 1" to 1,000'. 36 x 24. Surv. off.

BRIDGES

325. [BRIDGE CONSTRUCTION AND REPAIR], 1938. 2 drawings.

Plans for construction and repairs of various bridges, showing date of plan, and name, location, nature and specifications of project. Drawn by John H. Leffel, Mount Vernon. Blueprint. No scale given. 12 x 24. Surv. off.

326. EAST VILLE BRIDGE PLANS REPAIR, 1938. 2 drawings.

Plans for building bridge in Bethel Township, showing date and number of plan, and name, location, description and specifications of project. Drawn by John H. Leffel. Blueprint. No scale given. 18 x 12. Surv. off.

327. 8TH STREET TUBE BOX CULVERT, 1938. 9 drawings.

Plans for construction of 8th Street tube box culvert, showing name, location and specifications of project, and date drawn. Drawn by John H. Leffel. Blueprint. No scale given. 4 drawings, 18 x 24; 5 drawings, 24 x 36. Surv. off.

328. TEMPLETON BRIDGE, 1937. 3 drawings.

Plans for construction of Templeton Bridge, showing date of plan, and name, location and specifications of project. Drawn by G. Emge, Mount Vernon. Blueprint. No scale given. 36 x 24. Surv. off.

329. HOLLER BRIDGE, 1937. 10 drawings.

Plans for construction of Holler Bridge, showing date of plan, and name, location and specifications of project. Drawn by G. Emge, Mount Vernon. Blueprint. No scale given. 36 x 24. Surv. off.

330. CULVERT AND BRIDGE SPECIFICATIONS, 1932. 37 drawings.

Plans for construction of bridge No. 21 and culvert No. 23, showing date of plan, and number, nature and specifications of project. Drawn by Alvin E. Gempler, Mount Vernon. Blueprint. No scale given. 33 drawings, 12 x 14; 4 drawings, 30 x 12. Surv. off.

331. JOHN ROMAIN CULVERT NO. 12, 1931. 3 drawings.

Plans for building John Romaine Culvert, Showing date of plan, and name, location and specifications of project. Drawn by Alvin E. Gempler, Mount Vernon. Published by Payne, Evansville. Blueprint. 1" to 30'. 12 x 14. Surv. off.

332. WOLFEN STREET BOX CULVERT, 1931. 6 drawings.

Plans for construction of Wolfen Street box culvert, showing name, number, location, description and specifications of project, and date drawn. Drawn by Alvin E. Gempler. Blueprint. No scale given. 30 x 20. Surv. off.

333. JOHN ORTH BRIDGE, 1931. 2 drawings.

Plans for construction of John Orth Bridge, showing date of plan, and name, location and specifications of bridge. Drawn by Alvin E. Gempler, Mount Vernon. Blueprint. No scale given. 24 x 14. Surv. off.

334. JOHN WOLF, STRUCTURE NO. 9, MARS TOWNSHIP, 1931.

4 drawings.

Plans for construction of John Wolf Bridge, showing date of plan, and name, number, location and specifications of project. Drawn by Alvin E. Gempler, Mount Vernon. No scale given. 30 x 20. Surv. off.

335. JOHN WOLF BRIDGE, NO. 9, 1930. 2 drawings.

Plans for construction of bridge No. 9, showing date of plan, and number, location and specifications of project. Drawn by J. E. Anderson, Mount Vernon. Blueprint. No scale given. 1 drawing, 12 x 9; 1 drawing, 36 x 24. Surv. off.

336. KNOLLMAN BRIDGE, 1929. 3 drawings.

Plans for construction of Knollman Bridge, showing date drawn, and name, location and specifications of project. Drawn by J. E. Anderson. Blueprint. No scale given. 30 x 18. Surv. off.

337. SCHOENE BRIDGE, 1927. 2 drawings.

Plans for construction of Schoene Bridge, showing date of

plan, and name, location and specifications of project. Drawn by J. E. Anderson. Blueprint. No scale given. 12 x 30. Surv. off.

338. WASSMER BRIDGE, 1927. 3 drawings.

Plans for construction of Wassmer Bridge, showing date drawn, and name, location and specifications of project. Drawn by John E. Anderson. Blueprint. No scale given. 30 x 18. Surv. off.

339. GROTUS BRIDGE AND EMBANKMENT, 1927. 6 drawings.

Plans for construction of Grotus Bridge and embankment, showing date of plan, and name, location and specifications of project. Drawn by J. E. Anderson. Blueprint. No scale given. 36 x 20. Surv. off.

340. BLAKE BRIDGE, 1927. 3 drawings.

Plans for construction of Blake Bridge, showing date of plan, and name, location, cost and specifications of project. Drawn by Plane Blueprint Co., Evansville. Blueprint. No scale given. 30 x 18. Surv. off.

DITCHES

341. DITCH RECORD, 1887-. 2 vols.

Record of actions and proceedings for construction and maintenance of ditches, showing dates of petition and action, names of property owner and ditch, location and description of property benefited, and amount of assessment levied against property. Arr. chron. by dates of petitions. No index. Hdw. 200 pp. 18 x 12 x 1½. Surv. off.

342. DITCH REPAIR, 1933. 7 drawings.

Plans for improvement of ditches, showing date of plan, and name, location and specifications of ditch project. Drawn by Alvin E. Gempler, Mount Vernon. Blueprint. Scale: 1" to 1,000'. 24 x 12. Surv. off.

343. WILSEY DITCH DRAINAGE AREA, 1931. 12 drawings.

Plats of Wilsey Ditch drainage area, showing date of plat, name of ditch, and location and description of land affected. Published by Plane Company, Evansville. Blueprint. Scale: 1" to 1,000'. 36 x 20. Surv. off.

344. JESSE E. RIBEYRE DITCH, 1929. 3 drawings.

Plans for repairs on portions of Jesse E. Ribeyre Ditch, showing date of plan, and name, location and specification of project. Drawn by Alvin E. Gempler. Blueprint. Scale: 1" to 1,000'. 36 x 24. Surv. off.

345. THOMAS, RIBEYRE AND GREATHOUSE DITCH, 1925. 2 drawings.

Plats of portions of Thomas, Ribeyre, and Greathouse Ditch to be repaired, showing date of plat, name of ditch, and location and description of portion of ditch to be repaired. Drawn by Alvin E. Gempler, Mount Vernon. Blueprint. Scale: 1" to 1,000'. 36 x 12. Surv. off.

LEVEES AND EMBANKMENTS

346. OHIO RIVER BANK REVETMENT, 1937. 24 drawings.

Plans for construction of Ohio River standard bank revetment, showing date of plan, and name, location and specifications of project. Drawn by U. S. Engineers, approved by W. S. Gregory, Louisville. Blueprint. No scale given. 22 drawings, 24 x 18; 2 drawings, 36 x 24. Surv. off.

347. OHIO RIVER DISCHARGE CURVE, 1930-37. 11 drawings.

Plans for construction of Ohio River discharge curve, showing date of plan, and name, location and specifications of project. Drawn by U. S. Engineers, Louisville. Blueprint. No scale given. 8 drawings, 16 x 9; 3 drawings, 30 x 20. Surv. off.

348. CHRIST HAHAN LEVEE, 1929. 13 drawings.

Plans for construction of Christ Hahan Levee, showing date of plan, cause number, description and location of land benefited, and name, location and specifications of levee. Drawn by Alvin E. Gempler, Mount Vernon. Blueprint. Scale: 1" to 1,000'. 24 x 20. Surv. off.

BUILDINGS

349. COURTHOUSE ALTERATIONS, 1894. 2 drawings.

Plans for alteration of courthouse, showing date of plan, and name, location and specifications of project. Blueprint. No scale given. 24 x 24. Surv. off.

XXVI. COUNTY HIGHWAY SUPERVISOR

LEGAL STATUS

The highway supervisor of Posey County is a statutory officer, appointed by the board of commissioners under the authority of an act of 1933, and serves at the will of the board. The law provides that he shall receive a salary in an amount fixed by the board of commissioners, equivalent

to not less than \$2 nor more than \$3 per year for each mile of highway under his supervision (to be determined at the January session each year).¹ The board of commissioners authorizes the employment of teams, trucks, and men necessary to assist in the repair work of roads (under the supervision of the county highway supervisor), and determines the rate of wages and hire therefor.²

Before 1879 the court or board doing county business had general supervision of the construction and repair of county highways, with the aid of district road supervisors (appointed by the court or board), the township trustees, and township supervisors of roads.³ From 1879 to 1913 the board of commissioners constituted, ex officio, a board of turnpike directors for that purpose. The board divided the county into three districts, and each director had personal supervision of one of such districts.⁴ In 1913 this board was abolished and the office of county highway superintendent was created. The superintendent was appointed biennially by the board of commissioners and placed in charge of the maintenance of all highways, bridges, and culverts in the county.⁵ In 1933 this office was abolished⁶ and the office of county highway supervisor was created.⁷

FUNCTIONS AND RECORDS

The county highway supervisor has general charge of the maintenance of county roads, bridges, and culverts;⁸ divides the county into road districts; maps all existing roads, giving each road a separate name or number and setting forth the length and character of each road and the kind and volume of traffic;⁹ fixes maximum limits of loads for roads, bridges,

¹ Acts 1933; Burns 36-1110; Baldwin 8708. *Opinions of the Attorney General of Indiana, 1935*, p. 205.

² Acts 1933; Burns 36-1107; Baldwin 8705.

³ Acts 1807, ch. 44. Acts 1808, ch. 2. Acts 1811, ch. 29. Acts 1813, ch. 21. Acts 1813-14 ch. 30. Acts 1815, ch. 5. Acts 1816 (general), ch. 8. Acts 1817-18 (general), ch. 43. Acts 1818-19 (general), ch. 11. Rev. Laws 1824, ch. 87. Rev. Laws 1831, ch. 20, sec. 22; ch. 82. Rev. Stat. 1838, ch. 91. Rev. Stat. 1843, ch. 4, secs. 26, 160; ch. 16. 1 Rev. Stat. 1852, ch. 48.

⁴ Acts 1879 (Spec. Sess.), ch. 115, sec. 1.

⁵ Acts 1913, ch. 330, secs. 1, 2.

⁶ Acts 1933; Burns 36-1113.

⁷ Acts 1933; Burns 36-1110; Baldwin 8708.

⁸ Acts 1933; Burns 36-1102, 36-1110; Baldwin 8700, 8708.

⁹ Acts 1933; Burns 36-1109; Baldwin 8707.

and culverts;¹⁰ establishes standards for maintenance according to topography, nature, volume of traffic, and the availability of repair materials; annually makes a budget estimate of the cost of maintenance during the next calendar year;¹¹ and attends meetings of the board of commissioners¹² and sessions of the annual road school at Purdue University.¹³

The records of the county highway supervisor are maps of the highway system made by him,¹⁴ reports of work in progress,¹⁵ monthly reports to the board of commissioners of all work done, and an annual report of his work, with a complete statement of all expenditures under his supervision.¹⁶

PUBLIC IMPROVEMENTS

(See also entries 18-20, 190, 191, 233, 234, 314-349)

350. HIGHWAY SUPERINTENDENT'S LEDGER OF EXPENDITURES, 1914-Oct. 22, 1918, 1934-. 8 vols..

Record of appropriations and expenditures for labor and materials for construction and maintenance of highways, showing dates and amounts of appropriations and disbursements, names of payee and road, nature of expenditure, road district number, and appropriation balance. Arr. chron. by dates of disbursements. No index. Hdw. 320 pp. 18 x 13 x 2½. 1 vol., 1914-Feb. 20, 1918, assr. off.; 7 vols., Feb. 22-Oct. 22, 1918, 1934-, aud. off.

XXVII. COUNTY AGRICULTURAL AGENT

LEGAL STATUS

The agricultural agent of Posey County is a statutory officer appointed for a one-year term by the director of agricultural extension service of Purdue University, with the approval of the county agricultural agent board (a state board), under the authority of acts of 1913, 1923, 1927, and 1937.

¹⁰ Acts 1933; Burns 36-1102, 36-1110; Baldwin 8700, 8708.

¹¹ Acts 1933; Burns 36-1103; Baldwin 8701.

¹² Acts 1933; Burns 36-1104; Baldwin 8702.

¹³ Acts 1933; Burns 36-1110; Baldwin 8708.

¹⁴ Acts 1933; Burns 36-1109; Baldwin 8707.

¹⁵ Acts 1933; Burns 36-1106; Baldwin 8704.

¹⁶ Acts 1933; Burns 36-1104; Baldwin 8702.

This board prescribes his qualifications and may remove him from office. Any vacancy in office is filled in the manner provided for making the original appointment. The county council is required to appropriate \$1,000 annually for the expenses of his office and the state pays through Purdue University the sum of \$1,800 per year for his salary.

An act of 1829 provided for the establishment of county agricultural societies but no funds were appropriated. An amendment of this act in 1835 encouraged the county to provide funds for the development of agriculture. These early societies were short lived but were revived by an act of 1852 which provided for the offering of annual premiums by the county for the various phases of agricultural improvement. By 1890 every county in the state had its agricultural society.

The office of agricultural agent was established in Posey County in 1915 under authority of an act of 1913, providing for its establishment on petition of 20 county residents and deposit of \$500, and was thus continued until the act of 1937 made the office mandatory. Before 1937 the agent was appointed annually by Purdue University, subject to the approval of the state and county boards of education.²

FUNCTIONS AND RECORDS

The agricultural agent, under the supervision of Purdue University, co-operates with farmers' institutes, farmers' clubs, and other rural and civic organizations; conducts practical farm demonstrations, boys' and girls' clubs and contest work, and other movements for the advancement of agricultural and country life; gives advice to farmers on practical farm problems; and aids the superintendents of schools and the teachers of the county in giving practical education in agriculture and domestic science.⁴

Posey County has a home demonstration agent to develop extension programs for the improvement and advancement of agriculture, home economics, and rural life, in harmony with

¹ Acts 1939, ch. 47, sec. 2, p. 275. Acts 1913, 1923, 1927, 1937; Burns, 1939 suppl., 38-4911; Baldwin, 1937 suppl., 6457. *Opinions of the Attorney General of Indiana, 1937*, p. 144. Interview of December 1, 1939 with Floyd I. McMurray, state superintendent of public instruction.

² Acts 1828-29, ch. 4, secs. 1, 7. Acts 1834-35 (general), ch. 70, sec. 1. 1 Rev. Stat. 1852, ch. 2. William Carroll Latta, *Outline History of Indiana Agriculture* (Lafayette, Indiana, 1932), 271-274.

³ Acts 1913, ch. 24, sec. 12. *Fourth Annual Report, Purdue University, Department of Agricultural Extension, 1915*, p. 37.

⁴ Acts 1913, 1923, 1927, 1937; Burns, 1939 suppl., 38-4911; Baldwin, 1937 suppl., 6457.

federal and state laws and in close co-operation with the work of the county agricultural agent. The agricultural extension division of Purdue University selects the home demonstration agent and supervises her work. She must be unmarried, a graduate of a recognized school of home economics, and have some practical experience in teaching. Her salary is paid by Purdue University from federal land grant college funds. Her office expenses are paid from funds appropriated by the county council. Her term of office is indefinite. She directs all home economic extension work, both adult and junior, including girls' 4-H clubs, and co-operates with the county schools.⁵

The records of the agricultural agent and home demonstration agent consists of reports to Purdue University concerning their activities, compiled under the direction of the university.⁶

351. ANNUAL NARRATIVE REPORT, 1930-. 1 f. d.

Copies of annual narrative reports to Purdue University agricultural extension service of all activities of agricultural agent, showing date of report, names of agent and county, number of farm visits, number and nature of projects, activities on grain, fruit and vegetable growing, cattle, sheep, swine and horse raising, farm management, and marketing of crops. Arr. chron. by dates of reports. No index. Typed. 14 x 12 x 24. Agr. agt. off.

352. AGRICULTURAL ENGINEERING, 1932-. 1 f. d.

Statistical reports on farm crop experimental tests, showing dates of report and filing, starting and completion dates of test, nature of test, and results obtained. Arr. chron. by dates of filing. No index. Typed. 14 x 12 x 30. Agr. agt. off.

353. FARM CROPS, 1932-. 1 f. d.

Statistical reports on farm crop supervision, showing dates of report and filing, details of supervision, and results obtained. Arr. chron. by dates of filing. No index. Typed. 14 x 12 x 30. Agr. agt. off.

354. MARKETING, 1932-. 1 f. d.

Statistical reports on marketing of farm crops, showing dates

⁵ Acts of Congress 1914; U. S. C., title 7, secs. 341 to 343, 344 to 348. Acts 1931; Burns 28-5627; Baldwin 6475. Interview of December 1, 1939 with Floyd I. McMurray, state superintendent of public instruction.

⁶ Interview of December 1, 1939 with Floyd I. McMurray, state superintendent of public instruction.

of reports and filing, and complete reports of marketing of agricultural products in domestic and foreign marts. Arr. chron. by dates of filing. No index. Typed. 14 x 12 x 30. Agr. agt. off.

355. HOME ECONOMICS, 1932-. 1 f. d.

Copies of annual reports of activities in home economics, showing dates of report and meeting, subjects discussed and progress accomplished. Arr. chron. by dates of reports. No index. Hdw. 14 x 12 x 24. Agr. agt. off.

356. ADMINISTRATION, CLUB WORK 4-H CLUB, 1932-. 2 f. d.

Copies of reports on 4-H club activities, showing dates of organization and meeting, names of leader and members, nature of project, and prize awarded. Arr. chron. by dates of reports. No index. Typed. 14 x 12 x 24. Agr. agt. off.

357. TOBACCO ADJUSTMENTS, 1932-. 1 f. d.

Reports on tobacco crop adjustments, showing dates of report and filing, name of producer, location and size of crop, and data concerning adjustment. Arr. chron. by dates of filing. No index. Typed. 14 x 12 x 30. Agr. agt. off.

358. ANIMAL HUSBANDRY, 1932-. 1 f. d.

Reports on experiments on animal husbandry, showing dates of experiment and filing, and complete data of experiment. Arr. chron. by dates of filing. No index. Typed. 14 x 12 x 30. Agr. agt. off.

359. HORTICULTURE, 1936-. 1 f. d.

Reports on horticulture tests and experiments, showing dates of reports and filing, and details of tests and experiments. Arr. chron. by dates of filing. No index. Typed. 14 x 12 x 30. Agr. agt. off.

XXVIII. COMMISSION OF PUBLIC RECORDS

LEGAL STATUS

The commission of public records of Posey County, created under an act of 1939, consists of the judge and clerk of the circuit court, the president of the board of commissioners, and the county auditor. The commission elects one of its members as chairman. The clerk of the circuit court is secretary.¹

¹ Acts 1939, ch. 91, sec. 1. For laws concerning eligibility, oath, and removal of these officers, see the essays on circuit court, board of commissioners, auditor, and clerk of the circuit court.

The members of the commission serve without compensation and receive no reimbursement for any expenses.²

An act of 1877 required the board of commissioners to order copies to be made of any public records in the county when necessary for their preservation.³ An act of 1925 provided that any public official, at his discretion, may turn over to the Indiana State Library, for permanent preservation, any official books, records, documents, original papers, newspaper files, or printed books or materials, not in current use in his office.⁴ An act of 1937 amended that of 1925 by a provision that the director of the state library, at his discretion, may make a copy of any official book, record, document, original paper, newspaper, or printed book or material in any public office, for preservation in the state archives.⁵ An act of 1935 created within the executive department of the state a commission on public records, consisting of the governor, the secretary of state, the state examiner, the director of the state library, and the director of the historical bureau. This act is almost identical with that of 1939 creating a commission of public records in each county, except for the provisions relative to ex officio members of the commission.⁶ These laws reflect the attitude of the general assembly toward the preservation of public records.

FUNCTIONS AND RECORDS

It is the duty of the commission to classify public records on the following basis: Those (a) of neither official nor historical value; (b) of current official value, to be retained in the office to which they belong; (c) of official value, but rarely consulted and of no appreciable value to the officer with whom they are filed; (d) of purely historical value.⁷

Records of class (a), occupying space to no purpose in offices and storerooms, must be destroyed or otherwise disposed of three years after they were originally filed, unless a law requires that they be saved beyond that period or altogether prohibits their destruction.⁸

² Acts 1939, ch. 91, sec. 1.

³ Acts 1877; Burns 26-634; Baldwin 5339.

⁴ Acts 1925; Burns 63-830; Baldwin 10287.

⁵ Acts 1925, 1937; Burns, 1939 suppl., 63-830; Baldwin, 1937 suppl., 10287.

⁶ Acts 1935; Burns, 1939 suppl., 63-1901 to 63-1910; Baldwin, 1935 suppl., 15400-1 to 15400-10.

⁷ Acts 1939, ch. 91, sec. 2.

⁸ *Ibid.*, secs. 3, 4.

Records of classes (c) and (d) must be transferred to the state library three years after the date of the filing, unless they are then in frequent use by the officer in charge. In event of such transfer, the records of class (c) will be added to the archives of the library, while those of class (d) will constitute a part of the collections of that institution.⁹

When any public records are ordered destroyed or transferred, the commission must enter an order to that effect on its minutes. The order must be dated and must contain a general description of the public records to be destroyed or transferred.¹⁰

It is unlawful for any public official or person to destroy any public record unless the commission has previously given its approval in writing and entered such approval on the minutes of the commission.¹¹

Within the meaning of the act of 1939, a public record is any written or printed book, paper, document, map, or drawing which is the property of any county, and in or on which any entry has been made or is required by law to be made, or which any officer or employee of the state has received or is required to receive for filing.¹²

⁹ *Ibid.*, secs. 4-6.

¹⁰ *Ibid.*, sec. 7.

¹¹ *Ibid.*, sec. 8.

¹² *Ibid.*, sec. 9.



INDEX

Figures in roman type refer to entry numbers;
figures in italics to pages

- Abatements, 100, 131
Abbott, Rev. Thomas, 21
Abbreviations, 114-116
Absent voters, 76
 ballots, 76, 266, 271
Abstracts
 old-age assistance, award
 certificates, 84
 taxes, 60, 257-259
Acceptance of land, 93, 126,
 134, 228
 appeals, 94
Accounts, state board of, *see*
 Indiana, State of
Administrative building coun-
 cil, *see* Indiana, State of
Administrators
 See also Probate causes
 affidavits, inheritance tax,
 175
 bonds, 141, 143, 147
 sale of real estate, 149
 inventories, 141, 143, 150
 letters, 139, 141, 143, 147
 oaths, 147
 reports, 141, 143
Affidavits, 62, 86v
 See also Oaths
 administrators, inheritance
 tax, 175
 allegiance, political par-
 ties, 287
 bidders on contracts, 92
 bounties, 249
 candidates' expenses, 77, 268,
 272
 criminal causes, 44, 45, 199,
 209, 100, 131
 executors, inheritance tax,
 175
 heirship, proof of, 87
 marriage licenses, 28, 31
 registration, 275
 taxes, 254
 exemptions, 56, 256, 239,
 240
 intangible, 62
 voter, qualifications, 276
 witnesses, elections, 283
Agents
 agricultural, *see* Agricul-
 tural agent
 county, 27, 98, 243
 claims, 15
 home demonstration, 28, 95,
 323, 324
 insurance, certificates, 64,
 143, 41, 42, 114
Agricultural agent, 27, 95,
 322-324
 records of, 351-359
 location of, 106
Agricultural agent board, *see*
 Indiana, State of

- Agricultural extension service, Purdue University, 322-324
 county agents' reports, 351-359
- Agricultural societies, 95, 323, 324, 356
- Airports, 35, 94
- Albright, Adam, 4, 20
- Albright, Adam Jr., 4
- Albright, John, 4
- Albright, William, 4
- Alexander, Elsberry, 98
- Alien, *see* Naturalization
- Alimony and support, 127
- Allotments
 excise taxes, 66
 school funds, 82
- Allowances, 31, 67, 68, 121, 122, 1, 14
See also Claims; Fees; Funds
 agricultural societies, 95, 323
- appeals, *see* Appeals
- bailiffs' fees, 69
- bounties, 123
- burial, 88
 soldiers, sailors, and marines, 16
- cancelled, 68
- county agent, 15
- courts and judges, 68-70, 243-245, 225
- disallowance, 34, 35, 67, 68
- disbursements, auditor, 217
- dockets, circuit court, 137, 138
- election commissioners, board of, 284, 288
- illegal, recovery of, 34, 36
- jury fees, 69
- master commissioners, 69
- materials and supplies, 67
- meals for prisoners, 196
- notices by publication, 69, 243
- poor relief, 231
- primary election commissioners, board of, 278
- public welfare, *see* Awards
- review, board of, 217
- rewards, payment of, 123
- roads, 350
- salaries, 207
- sheriff's fees, 69
- transportation, 137, 196, 203, 206, 207, 213, 292, 307, 308, 312
- welfare administration, 309
- witness fees, 68, 69
- American Hominy Mill, 21
- American Legion, tax exemption, 56
- American Revolution, 3
- Amusement operators' licenses, 11, 12, 64, 232, 253
- Animals
 at large, 123
 damage by dogs, 63
 estrays, 142, 53
 husbandry, 358
 hydrophobia-infected, 299
 marks and brands, 144, 156, 92
 taxes, 11
- Anthony, Jonathan, 12
- Appeals
See also Remonstrances
 to appellate court, 39, 42, 179
 bond issues, 134
 bond on appeals, 243, 244
 from circuit court, 39, 42, 140, 174, 179
 notices, 100, 131
 removal of officials, 120, 132, 137, 153, 196, 203, 213, 217, 221, 225, 230, 241, 278, 284, 292, 312

Appeals (cont.)

to circuit court, 38, 39, 42,
89, 94, 126, 127, 172-174, 176-
178, 314

condemnation, school
buildings, 134

removal of officials,
213, 231

claims

to circuit court, 68, 127

poor relief, 89

from commissioners, board
of, 38, 89, 127, 173, 179, 243

condemnation, school, 126,
134

ferries, 127

land acceptance, 94

removal of county seat,
127

removal of treasurer, 231

road, 127

townships, 127

from common pleas, court
of, 42, 174, 177

costs, 68

to general court, 42, 170

from justices of the peace,
38, 172, 173, 179

from medical examination
board, 211

from municipal courts, 38
179

from park boards, city, 39,
179

from probate court, 42, 173,
174, 176

from public welfare, de-
partment of, 88

to public welfare, depart-
ment of, state, 88

from public works, board
of, city, 39, 179

to supreme court, 39, 42,
102, 174, 176, 177, 179, 196,
203

removal of officials, 120,
132, 137, 153, 213, 217, 221,
225, 230, 241, 279, 284, 292,
313

from surveyor, 314

from tax commissioners,
state board of, 55, 56

removal of assessor, 213

to tax commissioners, state
board of, 53, 55, 57, 59, 133,
134, 219, 221, 222, 254, 256, 257

taxes, 39

from assessor, 52, 55

from auditor, 52, 55, 59

to circuit court, 52, 55,
56, 216, 219

from council, county, 57,
133, 256

from review, board of, 38,
52, 53, 55, 56, 179, 219, 254

to review, board of, 53,
216, 219

from tax adjustment, board
of, 222, 257

from township assessor, 52

transcripts, 140, 243, 244

praecipies, 120

Appellate court, *see* Indiana,
State of

Applications

See also Petitions

appraisements, intangible
tax, 176

exemptions, tax, 256

licenses

hunting and fishing, vet-
erans, 48

junk dealers, 38

liquor, 211, 3

marriage, 84, 142, 28-30

poultry dealers, 39

loans, school fund, 182

welfare assistance, 298

index, 299

- Applications to pay, auditor,
222
- Appointments
administrators, 141, 143
agricultural agent, 322, 323
appraisers, 214, 215
state lands, 123
architects, 67
assessor, 213, 214
attendance officer, schools,
290, 291, 293
attorney, county, 124
auditor, 240-242
bailiff, 180
civil engineers, 67, 90, 124,
314
clerk of the circuit court,
5, 136-138
commissioners
county, members, 120
county seat, 6
health, 298
jury, 43, 181
special, 96, 126, 179, 180
coroner, 203, 204
council, county, members,
131-133
county agent, 243
court reporter, 43, 180
deputy officials, certifi-
cates, 273, 5
election officials, 75, 198,
280, 284-288
elisors, 200
equalization, board of,
members, 219
examiners, school, 292, 293
executors, 141, 143
guardianship causes, 142,
143
insanity, 172
health officer, 82, 123, 297,
298
highway superintendent, 321
highway supervisor, 123, 314,
320
home demonstration agent,
324
inspector, weights and
measures, 123
of judges
circuit court, 170, 171, 173,
246, 160
general court of Indiana
Territory, 170
pro tem, 246, 160
justices of the peace, 124
miners' examination board,
members, 124
physician, county, 124
planning commission, mem-
bers, 124
primary election commis-
sioners, board of, mem-
bers, 74, 278, 279
probation officer, 43, 180
prosecuting attorney, 172,
179, 207, 208
public health nurse, 82, 123,
300
public welfare, department
of, members, 307, 308
board, 179
of director, 307
recorder, 5, 153, 154
registration officials, 272-
274
review, board of, members,
179, 217-219
road supervisors, district,
321
road viewers, 90, 198, 251, 252
school fund board, members,
179, 225, 259
by schools, superintendent
of, 292
sheriff, 5, 197
surveyor, 312, 313

Appointments (cont.)

tax adjustment, board of,
 members, 179, 220, 222
 tax collector, 232
 tax ferrets, 124
 tobacco inspectors, 297
 treasurer, 231, 232
 trustees, school, 17, 226
 vacancies, to fill, *see* names
 of officials
 veterinarians, 124

Apportionment

See also Distribution

mortgages, school fund
 loans, 228
 roads and bridges, 13
 school funds, 79, 227, 210iii,
 284, 235
 taxes
 assessments, 57, 59, 256
 intangible, 66
 warrants on several funds,
 70, 244

Appraisements

See also Appraisers

appeals, 57
 land
 farm, 22
 state, 94, 123, 251, 260
 omitted property, 215
 personal property, 56, 59, 60
 real estate, 53, 54, 56, 59, 60,
 66, 67, 81
 for school fund loans, 227
 school property, 215
 taxes
 inheritance, 61, 62, 213,
 154, 175, 138
 intangible, 215, 176
 property, 49-53, 214, 215, 217,
 219, 253-255, 247

Appraisers, 27, 214, 246

See also Appraisements

inheritance tax, 215
 state lands, 123

Apprentices, 156

discharges, 141
 indentures, 62, 91

Appropriations, 46, 133, 257

See also Budget estimates;

Funds

accounts, auditor, 70, 259,
 214, 215
 for agricultural agent, 323
 building construction, 92
 city council, 277
 claims, 36, 68
 home demonstration agent,
 324
 justice, administration of,
 68
 mandamus for, 35, 123
 materials and supplies, 34
 ordinances, 47, 48, 133, 135, 22
 public health nurse, 301
 railroad construction, 15
 registration of voters, 277
 salaries, 207, 214, 313
 supplementary, 46, 59
 tax officials, 51
 unexpended, 48

Army, U. S., *see* Military

Arrests, 45, 127, 198, 204
 of sheriff, 205
 warrants, 199, 100, 131

Arthur, Samuel, 19

Articles of incorporation, 249,
 62, 86i

Assessments, 47
 Canada thistle eradication,
 251
 drainage, 90, 92, 157, 158, 251,
 190
 remonstrances, 92
 treasurer's receipts, 233

flood gates, 251
 roads, 90, 122, 252, 191
 receipts issued, 234
 taxes, *see* Taxes, property

Assessor, 27, 50, 52, 54, 61, 62,
75, 212-216, 218
See also Assessors, township
bonds of, 259
records of, 175, 176
location of, 105
Assessors, township, 140, 214,
215, 248
See also Assessor
bonds, 142
budget estimates, 47
enumerations by, 248
tax duties, 49, 50, 52-54, 215,
253, 254
dog tax, 62
Assignments
mortgages, 155
warrants, 71
Associate judges, *see* Judges
Asylum, poor, 16, 17, 89, 306
inspections, 122
superintendents' reports, 86
Attachments, *see* Executions
Attendance officer, school,
290, 291, 293
Attorney, 143
county, 124, 227
district, 28, 208
licenses, 172
prosecuting, *see* Prosecuting
attorney
Attorney General, *see* Indiana,
State of
Auditor, 27, 31, 32, 35, 37, 47,
50, 52-60, 62 64-67, 69-73, 75,
78, 91, 95, 97, 240-262
records of, 208-263
location of, 105, 107
Auditor, Indiana, *see* Indiana,
State of
Audits
accounts, state board of, 208
commissioners, board of,
72, 125

judges, circuit court, 72, 125
state examiner, *see* Indiana,
State of
Australian ballot system, 279,
281, 286
Automobiles, *see* Motor vehicles
Awards
See also Disbursements
blind assistance, 87, 88, 306,
308
applications, 298, index,
299
children's assistance, 87, 88,
306, 308, 303, 304
old-age assistance, 88, 155,
308, 300-302
applications, 298, index,
299
certificates, 86, 249, 308,
84, 85
reimbursements, 86, 308
recommendations, public
welfare director, 297
revocations, 297, 302
Bacteriological tests, 83
Bail, 45, 46, 199
Bailiffs, 180
fees, 69
Ballots, *see* Elections
Ballot system, Australian,
279, 281, 286
Bankruptcy, *see* Receivership
Banks
depositories, 69-71, 144, 223
shareholders, 143
statements, 252, 253
taxes, 61, 78, 233, 252, 253
Bastardy proceedings, 210
Beef inspectors, 297
Bennett, James, 22
Bethel Township, 5, 7
bridge plan, 326
Bibliography, 107-114

Bids

- affidavits of bidders, 92
- courthouse, 98
- jail, 98, 100, 102
- materials and supplies, 32, 250
- record, commissioners, board of, 12, 13

Big Creek, 1, 20

Big Creek Township, 7

Bills of sale, 62, 86iii

- estate and guardianship, 141, 143, 151

Births, *see* Vital statistics

Black, James, 4, 17, 20

Black, John, 4

Black, Thomas, 4

Black, Thomas Jr., 4

Black, William, 4

Blackford, 6, 98, 100

Blackford, Isaac, 5

Blackford Township, 7

Black River, 1, 4, 20

Black Township, 4, 7, 15, 49, 215, 219

Blairsville, 23

Blind assistance

- See also* Public welfare, department of
- applications, 298
- index, 299

awards, 87, 88, 306, 308

Blind enumerations, 216, 248

Boards, *see* descriptive words in titles

Bonds

- administrators, 141, 143, 147
- sale of real estate, 149
- appeals, 243, 244
- approval
- auditor, 212, 243, 246, 247, 291
- clerk of the circuit court, 189, 141, 142

- commissioners, board of, 124, 153, 196, 203, 214, 230, 240, 247, 312

judge, circuit court, 180, 206, 307

assessors, 142, 212, 213, 247

auditor, 240-242

clerk of the circuit court, 5, 136, 138, 157

constable, 142

contractors, 92, 98

corener, 203, 204

cost, 76

executors, 141, 143, 147

sale of real estate, 149

ferryman, 143, 262

grocery store operators, 12

guardianship, 142, 143, 147, 148

sale of real estate, 149

justices of the peace, 24, 25, 27

liquor dealers, 144, 8, 9

notaries public, 142, 24-26

official, 247, 24, 25, 257-261

suits on, 35, 36, 65, 124, 177, 210, 230

peace proceedings, 211

prosecuting attorney, 180, 206, 207

public welfare, director of, 180, 307

recognizance, 197, 204, 205, 114, 133, 135

forfeitures, 210, 211

recorder, 5, 153, 154

revenue, 122, 3

appeals, 134

bridges, 90

coupons, cancelled, 3

courthouse, 91, 126, 134

extension contracts, 250

interest, 73, 74, 134

jail, 91, 126, 134

revenue (cont.)

land purchase, 91, 93
 notices by publication, 73
 redemption, 66, 73, 74, 82,
 91, 250
 register, commissioners,
 board of, 10
 remonstrances, 73, 250
 review by state board of
 tax commissioners, 73,
 134, 250
 roads, 66, 90, 11
 sale of, 73, 134, 250
 schools, 82
 sinking fund, 74
 tax exemptions, 56
 schools, superintendent of,
 142, 246, 291
 school trustees, 261
 sheriff, 195-197
 deputy, 197
 surveyor, 312, 313
 township officials, 142, 257-
 259
 trustees, 142, 247, 257, 260
 treasurer, 229-231
 Boundary changes, elections
 for, 246
 Bounties, 123, 249
 certificates, 143
 Brands, *see* Marks and brands
 Bridges, 31, 35
 assessments, 90
 bonds, 90
 commissioners' record, 19
 estimates, 322
 funds, apportionment, 13
 inspection, 90
 load limits, 95, 321, 322
 maintenance, 90, 121, 321, 325
 petitions and remonstrances,
 90
 plans and specifications,
 90, 314, 325-330, 333-340
 viewers, 90

Brisco, William, 6
 Brokers' licenses, 63, 143
 Brown, Thomas, 17
 Budget estimates, 46-48, 51, 57-
 59, 121, 133, 135, 140, 249, 23
 See also Appropriations
 ditches, 20
 institutions, 3, 6
 notices by publication, 47
 roads, bridges, and cul-
 verts, 322
 Buffalo, N. Y., 20
 Building and loan associa-
 tions, taxes, 61, 233
 Buildings
 condemnation, 83, 298
 inspection, sanitation, 83,
 298
 memorial, 92
 public, *see* Public property
 school, *see* Schools
 Burial
 allowances
 soldiers, sailors, and
 marines, 16
 welfare act, 88
 claims, soldiers, sailors,
 and marines, 17, 210
 permits, 85, 299
 Burns, Alexander, 22,
 Butler County, Pennsylvania, 7

 Caborn, 6
 Canada thistles, 251
 Canals, 143
 Cancellations
 allowances, 68
 awards, public welfare,
 297, 302
 checks on depositories, 227
 coupons, bonds, 3
 voters' registrations, 275-277
 warrants, 70, 71, 234, 244, 245,
 259

- Candidates, *see* Elections
 Canvassers, board of, 30, 76,
 77, 232, 233
 See also Elections
 record of, 270
 location of, 106, 107
 Carnegie Library, 23
 Carson, John, 5
 Case histories, public health
 nurse, 293-295
 Cash balances, 71
 See also Funds; Statements,
 financial
 auditor, 213
 clerk of the circuit court,
 145, 54
 depositories, 70, 224, 233, 196
 school funds, 18, 207
 treasurer, 70, 234, 197, 210ii
 treasury, 72, 234
 trust funds, 207
 Cashbooks, 71
 See also Funds
 auditor, 259, 219
 clerk of the circuit court,
 145, 56-58
 recorder, 158, 59, 93
 sheriff, 200, 169
 treasurer, 234, 199, 202, 203
 tax collection, 186, 200
 Casselberry, Thomas E., 4-6
 Casselberry Township, 7
 Causes, *see* Chancery causes;
 Civil causes; Criminal
 causes; Dower proceed-
 ings; Equity causes; Es-
 tate causes; Guardianship
 causes; Insanity causes;
 Juvenile causes; Parti-
 tion, real estate
 Cemeteries, 56, 94
 burial permit preservation,
 85
 deeds to lots, 62, 64
 index, 60, 61
 plat book, 71, 72
 sales, 94
 tax exemptions, 55
 Census, *see* Enumerations
 Center Township, 7, 15
 road plans, 315
 Certificates
 appointment
 deputy officials, 273, 5
 judges, *pro tem*, 160
 apprentice discharges, 141
 birth, 84
 bounties, 143
 claims, public welfare, 305,
 306
 contracts, conformity to,
 67, 243
 death, 85
 dentists, 157, 35
 disbursements, auditor, 223
 distribution, school funds,
 277
 election, 76, 77, 119, 131, 198,
 212, 246, 280, 282, 283, 285,
 286
 church officers, 62, 86ii
 foreign corporation admit-
 tance, 62, 86vi
 revocation, 157
 graduation, schools, 294
 health, 84
 insurance agents, 64, 143, 41,
 42, 114
 marriage, 142, 23, 29, 32
 motor vehicle titles, 50
 nurses, 63, 142
 old-age assistance, awards,
 86, 249, 308, 84, 85
 optometrists, 36
 patents, 142, 44, 62, 86vi
 petition signatures, 55
 physicians, 33
 for marriage, 84

Certificates (cont.)

sale, school fund loan security, 251
 school needs, 81, 82, 294
 sheriff's sales, 123
 tax levies and distributions, 57, 223
 tax sales and redemptions, 60, 232, 258, 244, 245
 trade names, 40
 Certiorari, 170
 Chancery causes, 40
 Change of venue, *see* Venue, change of
 Charitable institutions, tax exemptions, 256
 Charities and corrections, board of, 29, 306
 Charters, corporations and associations, 157
 Chattel mortgages, *see* Mortgages
 Chauffeurs' licenses, 50, 66
 Children
 See also Juvenile causes
 apprentices, *see* Apprentices
 blind, 87
 crippled
 awards, 87
 nursing care, 294ii
 delinquent, 308
 dependent
 applications, 298, index, 299
 awards, 87, 88, 306, 308, 303, 304
 claims and certificates thereof, 305, 306
 donations for, 309
 destitute, 87
 diseased and defective, 87
 enumerations, 18, 19, 249, 294, 280
 guardians, board of, 29, 306
 handicapped, 308

neglected, 87, 306, 308
 nurses' supervision, 302, 286, 294ii
 orphan, 87
 Riley hospital, 87, 137, 159
 school, *see* Schools
 support docket, 127
 Chippewa Indians, 2
 Chiropractors' licenses, 63, 141
 Churches
 closing by health officer, 298
 election certificates, officers, 62, 86ii
 exemptions, tax, 49, 256
 Rappites, 8
 Circuit court, 28, 30, 37, 39, 43, 45, 61, 76, 92, 94, 168-181
 appeals, *see* Appeals
 clerk, *see* Clerk of the circuit court
 dockets, *see* Dockets
 judge, *see* Judges
 jurisdiction, 38-41, 171-173, 178
 records of, 98-160
 location of, 104, 107
 Cities and towns
 See also specific names
 annexation of lots, 123
 clerk, 273
 council, 79, 277
 courts, 179
 elections, 277, 281, 287, 288
 funds, 47
 health officer, 297, 298
 incorporation of, 123
 maps and plats, 71
 mayor, 222, 294
 parks, 23, 39, 94, 179
 population, 8
 property taxes, 56, 58
 public works, board of, 39, 179

Cities and towns (cont.)

- school, 23, 294
- boards, 79, 222, 289, 290
- trustees, 79-81, 220, 289, 290
- trustees, 222

Citizenship, *see* Naturalization

Civil causes

See also Probate causes

- appeals, *see* Appeals
- chancery causes, 40
- complaints, 100
 - index, 101, 102
- complete record of proceedings
 - circuit court, 181, 125
 - common pleas, court of, 126

dockets

- court, 110, 111
- entry, 98, 99
- execution, 118, 162, 164
- issue, 98, 112, 113
- judges, 110, 111
- judgment, 116, 117
- prosecuting attorney, 174
- sheriff, 161, 164
- support and alimony, 127
- dower proceedings, 175
- equity causes, 88, 170, 171, 173, 177, 178

fee books

- circuit court, 98, 128
- common pleas, court of, 129

filing of, 138, 140, 141, 181

insanity, *see* Insanity causesjudgment, *see* Judgments

jurisdiction, 31

- circuit court, 38, 40, 171, 173, 178
- common pleas, court of, 40, 177
- general court of Indiana Territory, 170
- justices of the peace, 39

probate court, 40

juvenile, *see* Juvenile causes

order books

- circuit court, 200, 114
- common pleas, court of, 115
- original documents
 - circuit court, 100
 - index, 101, 102
- pleadings, 138, 100
 - index, 101, 102
- prosecuting attorney, 43, 208-211

real estate partition, 156.

- 62, 69, 143, 144
- index, 60, 61

subpoenas, 100

index, 101, 102

summonses, 100

index, 101, 102

taxpayers' suits, 34-36

Civil engineers, 67, 90, 124, 314

Claims, 134, 1, 3, 14

See also Allowances

- appeals, 89, 127
- appropriation, 36, 68
- burial, soldiers, sailors, and marines, 17, 210
- certificates, public welfare, 305, 306
- county agent, 15
- disallowed, 34, 35, 67, 68
- dockets

- circuit court, 137, 138
- commissioners, board of, 67

estate causes, 141, 143

filing of, 243

illegal, 34, 36

Indian, 2

on judgments, 36, 68, 70, 245

materials and supplies, 67

- notices by publications, 67, 69, 243

Claims (cont.)

poor relief, 31, 89, 231, 232
 public welfare, 309, 305, 306
 administrative costs, 307
 settlements, auditor, 244, 245
 transportation of prisoners,
 224
 venue, change of, 221
 Clark, Gen. George Rogers, 3
 Clark County, 25
 Clerk, common pleas, court
 of, 42
 Clerk, probate court, 42
 Clerk of the circuit court, 5,
 27, 31, 37, 42, 45, 63, 65, 66, 72,
 74-77, 85, 91, 97, 98, 135-145
See also Registration officer
 records of, 24-58
 location of, 104, 107
 Cleveland, Ohio, 20
 Coates, Abner, 100
 Coliseum, 23, 92
 memorial, Mount Vernon, 104
 Collection, tax, *see* Taxes,
 property
 Colleges, tax exemption, 56
 Collins, Thomas, 18, 21
 Commission, depository, 69, 224
 Commissioners
 See also Commissioners, board
 of, county
 county seat, 6
 of elections, *see* Election
 commissioners, board of;
 Primary election com-
 missioners, board of
 health, 27, 298
 jury, 28, 43, 140, 181
 master, fees, 69
 parks, city, 179
 registration, 29, 274
 school, 28, 144, 222, 226
 special, 126, 179, 180
 election recount, 76
 record replacement, 96

Commissioners, board of,
 county, 16, 17, 29, 31, 32,
 34-36, 46, 50, 64, 65, 67-70, 72,
 73, 75, 76, 82, 89, 90, 92-100,
 119-127

See also Commissioners
 appeals, *see* Appeals
 dockets, *see* Dockets
 minutes, 13, 16, 1

index, 2
 records of, 1-20
 location of, 104, 107

Commission of public records,
 30, 97, 179, 325-327

Commission on public records,
 state, *see* Indiana, State of
 Commissions, county, *see* de-
 scriptive words in titles

Common pleas, court of, 30,
 28, 208

appeals, *see* Appeals
 clerk, 42
 complete record of proceed-
 ings, 126
 dockets, *see* Dockets
 fee book, 129, 157
 judges, 176, 177
 jurisdiction, 40, 176, 177
 jury, 159

Common school fund, *see* School
 funds

Complaints
 civil causes, 100
 index, 101, 102
 lis pendens, 121

Complete record of proceedings
 circuit court, 181, 125
 common pleas, court of, 126
 Conciliation, courts of, 30,
 38, 41, 177

Condemnation
 buildings, 83, 298
 school, 126, 134, 252
 land, 35

- Congress, Confederation, 3
- Congress, United States, 5, 13
 - election of members, 74
- Congressional Township, *see*
 - School funds
- Connor, John, 12
- Conservation, department of,
 - see* Indiana, State of
- Constables, 43
 - bonds, 142
- Constitution, Preliminary Society of New Harmony, 8
- Constitutions, Indiana, *see*
 - Indiana, State of
- Contagious diseases, *see* Diseases
- Contracts, 134, 243, 3, 62, 86iv
 - bidders' affidavits, 92
 - bonds, 92, 98
 - extension, 250
 - buildings, public, 16, 92, 121
 - courthouses, 98, 99, 102
 - jails, 99, 100, 102
 - certificates of conformity, 67, 243
 - illegal, 36, 48
 - liens of contractors, 157
 - marriage, breach of, 177
 - materials and supplies, 32, 34, 250
 - pauper support, 16, 144
 - sales, 62, 86vi
 - waiving liens, 157
- Convention, party, 74, 279
- Cooper, John, 19
- Corduroy roads, 13
- Cornahan, M. J., 19
- Coroner, 27, 31, 43-45, 75, 85, 202-205
 - records of, 172, 173
 - location of, 105, 107
- Corporations
 - articles, 249, 62, 86i
 - charters, 157
 - dissolutions, 62, 86i
 - foreign, certificates, 62, 86vi
 - revocations of, 157
 - municipal, tax levies, 56-59
 - taxes, 78, 233
- Council, city, 79, 277
- Council, county, 30, 31, 34, 36, 46-48, 50, 58, 59, 68, 73, 75, 91, 92, 131-135
 - minutes, 21
 - records of, 21-23
 - location of 104
- Councilmanic districts, 181
- Counties
 - Butler, Pennsylvania, 7
 - Clark, 25
 - Crawford, 4, 174
 - creation, 5, 24-27
 - Daviess, 174, 175
 - Dearborn, 25
 - Dubois, 4, 174
 - Floyd, 4
 - Franklin, 25
 - Gibson, 1, 4, 25, 82, 102, 171, 174-176, 208, 301
 - Harrison, 4, 25
 - Illinois, 8
 - Jackson, 25, 171
 - Jefferson, 26
 - Knox, 25, 171, 174, 175
 - Martin, 174, 175
 - Orange, 4, 26, 171
 - Perry, 26, 171, 174, 175
 - Pike, 82, 174, 297, 801
 - Spencer, 4, 26, 174, 175
 - Switzerland, 26
 - Vanderburg, 1, 4, 174-176, 208
 - Warrick, 4, 26, 171, 174-176, 208, 297, 801
 - Washington, 4, 26
 - Wayne, 26
- County reform law, 31, 131
- Coupons, bonds, cancelled, 3

- Court dockets, *see* Dockets
- Courthouses, 99
 construction, 91, 98, 99, 102, 126, 134
 plans for alterations, 349
- Court reporter, 28, 43, 69, 180
- Courts, *see* Circuit court; Common pleas, court of; Conciliation, court of; Indiana, State of; Juvenile court; Magistrate's court; Probate court
- Crawford County, 4, 174
- Criminal causes
 affidavits, 44, 45, 199, 209, 100, 131
 appeals, *see* Appeals
 bonds, recognizance, 197, 204, 205, 114, 133, 135
 change of venue, *see* Venue, change of
 dockets
 court, 110, 111, 134
 entry, 99, 130, 134
 execution, 118, 162, 164
 issue, 98, 112, 113
 judges, 111
 judgment, 116, 117
 prosecuting attorney, 174
 sheriff, 162, 164
 fee books
 circuit court, 128, 136
 common pleas, court of, 129
 filing of, 138, 140, 141, 181
 indictments, 44, 45, 50, 140, 199, 209, 100, 114, 131, 132, 135
 investigations, 43, 44, 180, 209
 jurisdiction, 31
 circuit court, 38, 40, 171, 173, 178
 common pleas, court of, 40, 177
- General Court of Indiana Territory, 170
 justices of the peace, 29
 juvenile, *see* Juvenile causes
 notices of appeal, 100, 131
 order books
 circuit court, 200, 114, 135
 common pleas, court of, 115
 original documents, circuit court, 100, 131
 pleadings, 138, 100, 131
 probation officer, 28, 43, 180, 308
 prosecution, 43-46, 180, 208, 211
 rights of accused, 45
 sentences, 39, 46, 179
 subpoenas, 45, 100, 131
 verdicts, circuit court, 46, 100, 131
 warrants, 45, 199, 100, 131
- Crippled children, *see* Children
- Crossings, railroad, 210
- Culverts, 35
 estimates, 322
 load limits, 95, 322
 maintenance, 90, 121, 314, 321
 specifications, 330, 332
- Custody of funds, 69-72
- Cynthiana, 28
 schools, 19
- Dairy products inspection, 83
- Daniel Township, 7
- Daviess County, 174, 175
- Deaf and dumb, 215, 216, 248
- Dearborn County, 25
- Deaths, *see* Vital statistics
- Declarations
 of candidacy, 281, 267, 272
 of intentions, naturalization, 107
- Decrees, *see* Judgments

- Deeds, 96, 154, 314, 62, 63, 65
 cemetery lots, 62, 64
 index, 159, 60, 61
 quitclaim, school lands, 259
 school fund loan, 62, 68
 index, 60, 61
 sheriff, 199, 67
 index, 60, 61
 tax, *see* Taxes, property
 Delaware Indians, 2, 3
 Delinquency, juvenile, *see*
 Children; Juvenile causes
 Delinquent taxes, *see* Taxes,
 property
 Dentists
 certificates, registration,
 157
 licenses, 63, 141, 35
 Dependent children, *see* Chil-
 dren
 Depositions, 139
 Depositories, 144, 223
 act, 223
 balances, 70, 224, 233, 196
 commission, 69, 224
 disbursements, cancelled
 checks, 227
 proposals, 69, 224, 180
 resignation, 69
 statements, 69, 70, 233
 Destroyed records, 96, 97, 259,
 277, 326, 327
 elections, 283
 Dickinson, John, 16
 Diphtheria toxoid, 83
 Director, public welfare,
 department of, 27, 43, 180,
 306-308
 claim certificates, 306
 recommendations, 297
 Disbursements
 See also Awards; Funds
 alimony and support, 127
 auditor, 69-72, 244, 214-217, 230
 certificates of distribu-
 tion, 223
 bridges, *see* Bridges
 cancelled checks, 227
 candidates' expenses, 77
 change of venue, 260, 221
 cities and towns, 47
 clerk of the circuit court,
 144, 55-56, 58
 commissioners, board of,
 statement, 72, 123
 culverts, *see* Culverts
 ditches, *see* Ditches
 dog fund, 63, 210i
 election expenses, 281, 283,
 284, 286, 288
 fees of officials, 65
 institutions, expense esti-
 mates, 3, 6
 notices by publication, 72
 poor relief, 16, 17, 89, 249, 306
 public improvement assess-
 ments, 47
 public welfare funds, 86-89,
 308, 309
 reimbursements, 67, 86, 308
 for registration of voters,
 277
 roads, *see* Roads
 salaries, *see* names of offi-
 cials
 school funds, 47, 70, 78-82,
 226-228, 245, 259, 294, 203,
 206, 210iii, 248-250, 254-
 256, 276, 277
 sheriff, 169
 prisoners' costs, 4
 state funds, 47, 71, 323
 tax adjustment, board of, 221
 township funds, 47, 71, 249
 by trustees, 259, 209, 210i
 treasurer, 68, 69, 71, 231, 233,
 234, 196, 199, 201, 203,
 210ii

Disbursements (cont.)

venue, change of, costs, 221
warrants, *see* Warrants for
disbursement

Discharges

apprentice, 141
insanity, 137
military, 155, 156, 90

Diseases, *see* Vital statistics

Distilleries, 20

Distribution

See also Apportionment

of ballots, 74, 75, 280, 286,
287, 269, 273

diphtheria toxoid, 83

excise taxes, 66, 81

humane funds, 249

insulin, 83

intangible tax, 81

liquor license fees, 66, 81

pneumonia serum, 83

property taxes, auditor's
certificate, 223

school funds, 67, 78, 79, 227,
228, 259, 250, 277

session laws, 143

smallpox virus, 83

typhoid vaccine, 83

District attorney, 28, 208

District health officer, 297

Ditches, 341, 343

See also Drainage

assessments, 157, 251

duplicates, 92, 251, 190

estimates, 20

maintenance, 92, 93, 314, 341,
342, 344

petitions, 109

plans and specifications, 92,
314, 344

plats, 343, 345

surveys, 92

Divorce, *see* Vital statistics

Dockets, 139, 294

claim and allowance

circuit court, 137, 138
commissioners, 67

court

circuit court, 110, 134, 152

common pleas, court of, 111

entry, circuit court, 98,
99, 130, 134, 137-140

estate entry, circuit court,
137, 138

execution, circuit court,
118, 164

issue

circuit court, 98, 112

common pleas, court of, 113

judges

circuit court, 110

common pleas, court of, 111

judgment

circuit court, 116

common pleas, court of, 117

prosecuting attorney, 174

sheriff, circuit court, 161,
162, 164

support and alimony, 127

Dog

fund, 63

hydrophobia control, 299

taxes, 62, 253, 210i, 211

Donations, 243

building construction, 98

for dependent children, 309

forest lands, 93

to health officer, 297

land, county seat, 6

for public buildings, 6, 98,
102

Dower proceedings, 175

Drainage

See also Ditches; Levees

assessments, 90, 92, 157, 158,
251, 190

remonstrances, 92

treasurer's receipts, 233

disbursements, 35

Drainage (cont.)

districts, 92
 maintenance, 92, 93, 314
 maps and plats, 92, 343, 345
 petitions, 92, 251, 109
 plans and specifications,
 90, 92, 314
 surveys, 92, 312
 Drug inspections, 83, 298
 Drugless healers' licenses,
 63, 141, 33, 34
 Dubois County, 4, 174
 Duckworth, Absalom, 5
 Duplicate, tax, *see* Taxes,
 property

Easements, 62, 86vi

disputes, notices of, 157

Edson, Eben D., 102

Education, board of, 30, 79,
 289-291

See also Schools

minutes, 274

location of, 106

Education, board of, city and
 town, 79, 222, 289, 290

Education, state board of,
 see Indiana, State of

Eigenman, John S. and Com-
 pany, 102

Election commissioners, board
 of, 30, 75, 284-289

See also Elections

records of, 271-273

location of, 106, 107

Election commissioners, state
 board of, *see* Indiana, State of

Elections

See also Canvassers, board of;

Election commissioners,

board of; Primary elec-
 tion commissioners, board

of; Registration officer;

Voters

assessor, 75, 212-215

township, 214

auditor, 75, 240, 241

Australian ballot system.
 279, 281, 286

ballot boxes, 76, 122, 285, 287

ballots

absent voters, 76, 266, 271

destruction, 283

preparation and distribu-
 tion, 74, 75, 279, 280, 286,
 287, 269, 273

sample, 269, 273

booths, 76, 122

boundary changes, 246

candidacy declarations, 281,
 267, 272

candidates, 288

nominations, 74, 279-281

petitions, 287

statements, expense, 77,
 268, 272

certificates, 76, 77, 119, 131,
 198, 212, 246, 280, 282, 283,
 285, 286

church officers, 62, 86ii

challengers, 276, 288

city, 277, 281, 287, 288

clerk of, 31, 283

clerk of the circuit court,
 75, 136, 138

commissioners, board of.
 members, 75, 119, 120

committeemen, precinct, 74.
 279

congress, members of, 74

contests, 178, 247, 283

coroner, 75, 202, 203

council, county, members,
 75, 131, 132

counties, creation of new, 26
 delegates, 74, 279

district attorney, 208

election judges, 28, 75, 280,
 282, 283, 286-288

Elections (cont.)

election sheriffs, 75, 280, 288
 expenses, 281, 283, 284, 286, 288
 fees of officials, 284, 288
 general assembly, Indiana, members, 26, 74
 incorporating towns, 128
 inspectors of, 28, 75, 198, 247, 275, 280, 282, 283, 285-288
 judges
 circuit court, 75, 169, 170, 172
 common pleas, court of, 176
 probate court, 175
 justices of the peace, 39
 local option, 246, 247
 notices, 198, 199
 by publication, 285
 petitions, 247
 county creation, 27
 poll books, political parties, 76, 247, 283, 285, 287, 288
 poll clerks, 28, 75, 280, 283, 286, 288
 polling places, 76, 287
 precincts, 76
 board, 75, 280, 288
 committeemen, 74, 279, 280
 designation, 122, 276, 285, 287
 registration board, 30, 274
 primary, 279-281
 prosecuting attorney, 75, 206-208
 railroad stock subscription, 15
 recorder, 75, 152, 153
 recount, 76, 77
 returns, 76, 246, 247, 279, 282, 285, 270, 273
 school commissioners, 225
 of sheriff, 31, 75, 195

special, 74
 superintendent of schools, 79, 246, 291, 292, 263
 surveyor, 75, 312
 tally sheets, 76, 282, 283
 township trustees, duties of, 75, 273, 285, 286, 288
 treasurer, 75, 229, 231, 232
 trustees, school section, 226
 voting machines, 76, 122, 286
 Elisors, 200
 Eminent domain, 35, 93, 121
 Endowment fund, Indiana University, 78, 79, 227
 Engineers, road, 67, 90, 124, 314
 Enrollment
 school children, 17, 23, 287
 soldiers, sailors, and marines, 51
 Entry book, recorder, 59
 Entry docket, *see* Dockets
 Enumerations
 blind, 216, 248
 children, 18, 19, 249, 294, 280
 deaf and dumb, 215, 216, 248
 females, 22
 insanity, 216, 248
 males, 22, 232, 248
 negroes, 22, 248
 polls, taxable, 252
 retail stores, 22
 soldiers, sailors, and marines, 144, 248
 deceased, 248
 veterans, 51
 teachers, 19, 23
 township trustees, 248, 249
 Epidemics, diseases, 299
 Epilepsy
 Indiana Village for Epileptics, 137
 inquests and commitment, 103, 106
 Muscatatuck Colony, 137

- Equalization, board of, 29, 218, 219
- Equity causes, 38, 170, 171, 173, 177, 178
- Estate causes
See also Probate causes
- affidavits
 inheritance tax, 175
 proof of heirship, 87
- appeals, *see* Appeals
- appraisements, inheritance tax, 61, 62, 213, 154, 175, 188
- claims, 141, 143
- dockets
 claim and allowance, 137, 138
 court, 152
 entry, 137, 138
- fee book
 circuit court, 137, 155
 common pleas, court of, 157
- inventories, 141, 143, 150
- jurisdiction, 31
 circuit court, 38, 41, 172, 173, 178
 common pleas, court of, 41, 177
 probate court, 41, 173, 175, 176
- letters, 139, 141, 143, 147
- order book, circuit court, 153
- original documents, circuit court, 141, 143
- sale bills, 141, 143, 151
- Estimates, *see* Budget estimates
- Estrays, 142, 53
- Evansville, Indiana, 15, 22
- Examiner, state, *see* Indiana, State of
- Examiners, school, 28, 292, 293
- Excise taxes, *see* Taxes, excise
- Executions, 31, 139, 197-199
 appellate court orders, 199
 attachments, 139
 notices, 122
 commissioners, board of, orders, 199
 coroner, 205
 council, county, orders, 199
 dockets, *see* Dockets
 election processes, 282, 289
 fees, sheriff, 196, 200
 justices of the peace judgment, 124
 praecipies, 120
 reports, sheriff, 200
 review, board of, orders, 199
 sheriffs' sales, *see* Sales
 supreme court orders, 199
 tax collection warrants, 167
 warrants of arrest, 45
 writs, 164
- Executors
See also Probate causes
- affidavits, inheritance tax, 175
- bonds, 141, 143, 147
 sale of real estate 149
- inventories, 141, 143, 150
- letters, 139, 141, 143, 147
- oaths, 147
- reports, 141, 143
- Expenditures, *see* Disbursements
- Expense
 candidates, 77
 claims, public welfare, 307
- Explanatory notes, 116-118
- Express companies, state-ments, 157
- Eye examinations, 84
- Fairgrounds, 19, 94
- Farmers' organizations, 95, 322, 324
- Farm names, 156

- Farr, Archibald, 12
- Federal, *see* United States
- Feeble-minded, *see* Insanity
causes
- Fee books
- See also* Funds
- auditor, 241, 259, 219
- civil causes
- circuit court, 98, 128
- common pleas, court of, 129
- criminal causes
- circuit court, 128, 136
- common pleas, court of,
 129
- estate causes
- circuit court, 137, 155
- common pleas, court of,
 157
- guardianship causes
- circuit court, 139, 156
- common pleas, court of, 157
- recorder, 158, 59, 93
- sheriff, 200, 170
- Fees, 259
- See also* Allowances; Funds
- amusement operators, 12
- appraisements, inheritance
tax, 213
- bailiffs, 69
- change of venue, 137
- clerk of the circuit court,
65, 66, 137, 144, 145, 223,
224, 249
- held in trust, 55
- commissioners, master, 69
- coroner, inquests, 203
- courts, 211, 98, 128, 129,
136, 137, 139, 155, 157
- court reporter, 69
- dockets, *see* Dockets
- election officials, 284, 288
- fee bills, *praecepe*, 120
- hunting and fishing li-
censes, 137
- illegal, 65
- jury, 66, 69, 249
- justices of the peace, 29, 212
- liquor licenses, 66, 232
- prosecuting attorney, 207, 211
- quietuses for, 66
- recorder, 65, 153, 158, 249
- registration officer, 273
- review, board of, 50
- school fund loans, 225
- sheriff, 65, 69, 196, 200, 249,
170, 171
- surveyor, 312, 314
- treasurer, 65, 66, 230, 232,
234, 249
- tax collection, 230, 232
- unclaimed, 249
- witnesses, 68, 69
- Felonies, 44, 45, 120, 177, 204, 209
- Females, enumeration of, 22
- Fence marks, 156
- Ferries
- bonds of ferrymen, 143, 262
- licenses, 11, 12, 64, 65, 123,
 127, 7
- rates, 12, 123
- Field notes, 156, 315, 309
- Filing of causes, 138, 140, 141,
181
- Finance, board of, 29, 69, 70,
223, 224
- records of, 180, 181
- location of, 105
- Financial institutions
- banks, 252
- depositories, county, *see*
 Depositories
- taxes, 61, 78, 233, 252, 253
- Financial reports
- See also* Funds
- by clerk of the circuit
 court, 65, 66, 144, 249
- examiners, board of ac-
 counts, 203

Financial reports (cont.)

- fees and fines, 65, 66, 144, 249, 259
 - justices of the peace, 212
 - prosecuting attorney, 211
 - fire insurance premiums and losses, 252
 - by highway superintendent, 210iv
 - by highway supervisor, 322
 - inheritance tax, 62
 - institutions, expense estimates, 3, 6
 - justices of the peace, 212
 - by recorder, 65, 249
 - school funds
 - by auditor, 228
 - by school superintendent, 210iii, 275
 - by township trustees, 276
 - sheriff, 65, 249
 - executions, 200
 - prisoners' costs, 3, 4
 - township trustees, receipts and disbursements, 259, 209, 276
 - dog taxes, 210i, 211
 - by treasurer, 65, 72, 123, 233, 284, 249, 210ii
 - school fund, 210iii
- Fines, 45
- circuit court, 66, 144, 249
 - justices of the peace, 39, 212
 - militia, 198
 - school fund, 17, 78, 226, 232
 - treasurer's account, 232
- Firearms
- permits, 63, 141, 49, 50
 - sales, 200, 50
- Fire insurance, *see* Insurance
- Firm name changes, 62, 86vi
- Fishing licenses, 63, 137, 141, 45-48
- Fixture sales, 157
- Flood gates, 251
- Flour inspection, 297
- Flower, George, 7, 8
- Floyd County, 4
- Food inspection, 28, 83, 297, 298
- Ford Milling Company, 21
- Foreclosure sales, *see* Sales
- Forest land
 - assessments, 255
 - public, purchase and acceptance, 93, 94, 126, 134
- Forfeitures, 46
 - land to state, 78, 251, 259
 - recognizance bonds, 210, 211
 - taxes, 36, 210
- Fort Wayne, 2
- Fort Wayne State School, 137
- Foundries, 20, 21
- Four-H clubs, 324, 356
- Franklin County, 25
- Fraternal organizations, tax exemptions, 56
- French and Indian War, 3
- French colonial empire, 3
- Frier, William, 21
- Funds
 - See also* Allowances; Appropriations; Cash balances; Cashbooks; Disbursements; Fee books; Fees; Financial reports; Receipt of funds; School funds; Warrants for disbursements
 - custody and disbursement in general, 69-72
 - general fund, county, 48, 66, 80, 81, 95, 277, 314, 196-204, 213-230
 - sinking fund, 74
 - state, *see* Indiana, State of
- Gambling losses, suits to recover, 210
- Garnishment, 139

- Gas leases, 62, 89
 Gasoline taxes, 49, 66
 General assemblies, *see* Indiana, State of; Indiana Territory
 General elections, *see* Elections
 Gibson County, 1, 4, 25, 82, 102, 171, 174-176, 208, 301
 Gill, Samuel, 4
 Givens, Charles, 16
 Givens, Thomas, 4, 12
 Governmental organization and records system, 24-97
 Governors, *see* Indiana, State of; Indiana Territory; Northwest Territory
 Graduates, 294, 283, 288
 Grand jury, 180
 empanelling of, 43, 140, 181, 243
 indictments, 44, 45, 50, 140, 199, 209, 100, 114, 131, 132, 135
 jail inspections, 46
 removal of officials, 119, 132, 187, 153, 196, 203, 213, 217, 221, 225, 230, 241, 278, 284, 292, 312
 Gravel roads, *see* Roads
 Greene, George S., 17, 18
 Greenville, treaty of, 2, 3
 Griffin clay, 19
 Guardianship causes, 139
 See also Probate causes
 appeals, *see* Appeals
 bonds, 142, 143, 147, 148
 to sell real estate, 149
 children's guardians, board of, 29, 306
 dockets
 court, 152
 entry, 139, 140
 fee books
 circuit court, 139, 156
 common pleas, court of, 157
 inventories, 142, 143
 jurisdiction
 circuit court, 38, 172, 173, 178
 common pleas, court of, 176
 probate court, 175
 letters, 142, 143, 147, 148
 oaths, 147, 148
 order book, circuit court, 153
 reports, 142, 143
 sale bills, 143
 Guthrie clay, 19
 Gwaltney, John, 16
 Habeas corpus, 46
 Harmony Societies, 7-12
 Harmony Township, 4, 7
 Harrison, Gen. William Henry, 4
 Harrison County, 4, 25
 Hay inspectors, 28, 297
 Health
 board of, 30
 board of, state, *see* Indiana, State of
 certificates, marriage, 84
 commissioners, 27, 298
 departments, district, 83
 districts, 301
 nurse, *see* Public health nurse
 and physical education,
 bureau of, *see* Indiana, State of
 Health officer, 27, 82-84, 86, 297-299
 See also Public health nurse
 records of, 289-292
 location of, 106
 Health officer, cities and towns, 297, 298
 Health officer, district, 297

- Heirship, affidavits to prove, 87
 High schools, *see* Schools
 Highway commission, *see* Indiana, State of
 Highway superintendent, 27, 125, 321
 Highway supervisor, 28, 90, 95, 320-322
 See also Roads
 record of, 350
 location of, 106
 Historical sketch, 1-24
 Home demonstration agent, 23, 95, 323, 324
 Home Mill and Grain Company, 21
 Hominy mill, 21
 Horse racing, 210
 Horticulture, 359
 Hospitals, 23, 84, 86, 122, 178
 Indiana University, 178, 211
 Riley hospital, 87, 137, 159
 Hovey, Charles, 102
 Hovey's Lake, surveys, 311
 Hudnut Company, 21
 Hugo, John R., 102
 Humane funds, 249
 Hunting licenses, 63, 137, 141, 45-48
 Hutchinson, William, 100
 Hydrophobia, Pasteur treatment of, 299

 Illinois, County of, 3
 Illinois, State of, 1, 11, 13
 Incorporation, articles of, 249, 62, 86i
 Indentures, apprentices, 62, 91
 Indiana, State of
 accounts, board of
 audits, 208
 forms prescribed by, 145, 159, 212, 235, 252, 260-262
 records system approval, 70, 95, 123, 244
 school fund allotment, 82
 administrative building council, 122
 admittance to Union, 3
 appellate court, 39, 42, 179
 orders, 199
 attorney general, 144
 traffic control, 211
 auditor, 248, 249, 257
 inheritance tax receipts, 62
 insurance agents' certificates, 41, 42, 114
 maps and plats by, 251
 school fund apportionment, 79, 227
 communicable diseases, bureau of, 83
 conservation, department of, 93
 Constitution of 1816
 county creation, 26
 offices created by, 136, 152, 153, 172-174, 195, 198, 202
 seminaries, 17
 Constitution of 1851
 agricultural improvement, 95
 county creation, 26
 courts, 177
 criminal prosecutions, 45
 elections, 75, 286
 general assembly, 24
 offices created by, 136, 152, 169, 173, 195, 202, 203, 206, 208, 229, 232, 240, 242, 312
 public debt, 73
 school funds, 18, 31, 77, 226
 taxes, 49
 county agricultural agent board 322, 323

Indiana, State of (cont.)

education, board of, 79, 80,
82, 290, 293, 323

election commissioners, 277,
287

examiner

allowances, prisoners'
meals, 196

audits, 72

commission on public rec-
ords, 97, 326

tax adjustment board, em-
ployment by, 221

general assembly, 11, 13, 80,
95-97, 133, 286

appointments, 6, 208

conciliation, courts of,
177

counties, creation of, 5,
24-27

election by, 26, 74, 172

powers, county matters
generally, 24, 25, 49,
75, 78

recording requirements,
158

voters' registration, 273,
274

welfare assistance, 16,
308, 309

governor

appointments, 136, 170, 171,
173, 197, 207, 208, 226

clemency powers, 46

commission of officials,
169, 172, 195, 203, 206, 229,
240, 312

election duties, 74

parks, acceptance, 93

record replacement, 96, 97,
326

health, board of, 82-86, 297-
301, 305

vital statistics, bureau
of, 84

health and physical educa-
tion, bureau of, 83

highway commission, 66, 90

judicial circuits, 38, 169,
171, 174, 175, 206, 208

land, 259

appraisement, 94, 123, 251,
260

maps and plats, 251

parks, 93, 94

sale of, 77, 78, 94, 143, 226,
251, 259, 260

medical registration and ex-
amination, certificates,
33-36

motor vehicles, bureau of, 37

national guard, 56

property-tax exemptions, 56

public instruction, superin-
tendent of, 79, 228, 246,
249, 292, 293

public records, commission
on, 97, 326

public safety, department
of, 205

public welfare, department
of, 86, 88, 307, 309, 306

roads, 13, 23, 66, 90, 91, 324

schools, 137

secretary of state, 97, 326

supreme court

appeals, *see* Appeals

decisions, 102

orders, 199

removal of judges, circuit
court, 169, 170

removal of prosecuting
attorney, 207

sheriff, 199

tax commissioners, board of
appeals, *see* Appeals

assessments for taxes, 50,
54-56, 59, 61, 212, 213, 215,
219, 256

- tax commissioners, board of (cont.)*
- bond issues, 73, 134, 250
 - budget and levies, 48, 57, 58, 133
 - financial institutions, 61
 - forms and instructions prescribed by, 255
 - inheritance tax, 61, 62
 - intangible tax, 62, 233
 - removal of officials, 52, 213
 - treasurer, 232, 234
 - inheritance tax, collection warrants, 62
 - venereal diseases, bureau of, 83
- Indiana Historical Bureau, 97, 326
- Indianapolis, 87
- Indiana State Library, 96, 97, 326
- Indiana Territory
 - creation of, 3
 - general assembly, 5, 26
 - general court, 170
 - governor, 1, 25, 154, 204
 - judicial circuits, 171
 - jurisdiction, 170
- Indiana University
 - hospitals, 178, 211
 - permanent endowment, school fund, 78, 79, 227
 - scholarships, 125
- Indians
 - confederacy, 2
 - trails, 13
 - treaties, 2-4
 - tribes, 2
- Indictments, 44, 45, 50, 140, 199, 209, 100, 114, 131, 132, 135
- Infant eye infection, 84
- Infectious diseases, *see* Diseases
- Inheritance tax, *see* Taxes,
- excise
- Injunctions, 35, 36, 39, 179, 210
- Inquests
 - death, 45, 204, 205, 172, 173
 - coroners' fees, 203
 - jury, 43, 204
 - justices of the peace, 205
- epilepsy, 103, 106
- insanity, 70, 173, 176, 178, 245, 103
- Insanity causes, 178
 - case histories, 104, 105
 - commitment and discharges, 137, 173, 176, 178, 211, 103
 - petitions and orders, 104, 105
- enumerations, 216, 248
- guardians, appointments, 172
- inquests, 70, 173, 176, 178, 245, 103
- original documents, circuit court, 104, 105
- physicians' reports, 104, 105
- prosecuting attorney, 211
- Inspections
 - bacteriological test, 83
 - buildings, sanitation, 83, 298
 - dairy products, 83
 - drug, 83, 298
 - election inspectors, 28, 75, 198, 247, 275, 280, 282, 283, 285-287
 - food, 28, 83, 297, 298
 - hay, 28, 297
 - institutions, 122, 298, 306
 - jail, 46, 122
 - misbranding, 83
 - poor asylum, 122
 - registration, 29, 247, 274
 - roads and bridges, 90
 - schools, 80
 - tobacco, 28, 297, 298
 - water, 83, 298, 304

Inspections (cont.)

weights and measures, 28,
122, 143

Inspectors, *see* Inspections

Institutes

farmers, 323

for teachers, 79, 293

Institutions, 93

charitable, tax exemptions,
256

Fort Wayne State School, 137

hospitals, 23, 84, 86, 122, 178

Indiana University, 178, 211

James Whitcomb Riley
Hospital, 87, 137, 159

Indiana Village for Epi-
leptics, 137

inspections, 122, 298, 306

Muscatatuck Colony, 137

poor asylum, 16, 17, 89, 306

superintendents' reports,
86

Smithsonian, 10

Insulin distribution, 83

Insurance

agents' certificates, 64, 143,
41, 42, 114

fire companies, premiums
and losses, 252

Intangible tax, *see* Taxes,
excise

Interest

bonds and notes, 73, 74, 134

school fund loans, 78, 79,
227

taxes, 61, 258

warrants, 71

Intoxicating liquor, *see* Liquor

Inventories

estate and guardianship,
141-143, 150

railroads, 254

school fund loan, 249

trustees, 142

Issue dockets, *see* Dockets

Jackson County, 25, 171

Jacquess, Thomas, 102

Jail, 99, 197

commitments, 45, 198, 199, 166

construction, 91, 98-100, 102,
126, 134

inspection, 46, 122

prisoners, 45, 122, 198

costs, sheriffs' reports,
3, 4

medical services to, 124,
298

record, sheriff, 200

register, 168

Jefferson County, 26

Jones, Abraham, 16

Jones, Jabez, 4

Jones, Tom, 4

Judges

circuit court, 170, 171, 176, 283
allowances, 225

appointments by, 43, 126,
131, 172, 180, 181, 207, 208,
217-220, 222, 225, 259, 298

associate, 5, 7, 31, 38, 120,
171-173, 218

audits by, 72, 125

bonds of officials, ap-
proval of, 206, 307

election of, 75, 169, 170, 172

hospital commitment,
children, 87

judicial sales, 140

president, 5, 38, 172, 173

pro tem, 246, 160

public records, commission
of, 97, 179, 325

removal of officials, 307

common pleas, court of, 176, 177

dockets, *see* Dockets

election judges, 28, 75, 280,
282, 283, 286-288

general court of Indiana
Territory, 170

Judges (cont.)

probate court, 175,
superior court, 283

*Judgments, 177**See also Writs*

allowances, *see* Allowances
circuit court, 39, 140, 179
claims on judgments, 36,
68, 70, 245

common pleas, court of, 177

conciliation, court of, 177

dockets, *see* Dockets

executions, *see* Executions

justices of the peace, 39, 124

partition of real estate,
156, 62, 69

index, 60, 61

payments to clerk of the
circuit court, 140

quiet title, 155, 66

index, 60, 61

releases, 62, 86vi

tax levies to pay, 57

transcripts, 124

quiet title, 66, index,
60, 61

warrants to pay, 245

Judicial circuits, 38, 169, 171,
174, 175, 206, 208

Indiana Territory, 171

Judicial districts, common
pleas, court of, 176

Junk dealers' licenses, 63,
141, 38

Jurisdiction, *see* Appeals; Civ-
il causes; Criminal causes.
Estate causes; Guardian-
ship causes; Juvenile
causes; Probate causes

Jury, 180

box, 140

commissioners, 28, 43, 140, 181

coroner, 43, 204

fees, 66, 69, 249

grand, *see* Grand jury

176 lists, 43, 181

selection, 43, 140, 159, 199, 243

time book, 163

venire, 140

verdicts, circuit court, 46,
100, 131

Justices of the peace, 43, 124,
294

appeals, *see* Appeals

board of justices, 29, 31, 98,
99, 120

bonds, official, 24, 25, 27

finer and fees, 39, 212

inquests, 205

judgments, 39, 124

jurisdiction, 39

*Juvenile causes**See also Children*

appeals, *see* Appeals

jurisdiction, 38

circuit court, 41, 178

common pleas, court of, 41

order book, circuit court, 158

probation officer, 43, 180, 208

Juvenile court, 38, 178

Kennel taxes, 62, 253

Kentucky, State of, 1

Knapp, William, 18

Knights of Columbus, tax ex-
emptions, 56

Knox County, 25, 171, 174, 175

Labors' liens, 156, 157

Lafayette, 3

Lanark, Scotland, 8

*Land**See also Real estate*

acceptance, 93, 94, 126, 134,
228

appeals, 94

airports, 35, 94

appraisements, *see* Appraise-
ments

Land (cont.)

assessments, *see* Taxes, property

cemetery, *see* Cemeteries

condemnation, 35

donation, county seat, 6

eminent domain, 35, 93, 121

fairgrounds, 19, 94

farm, 22

forest, 93, 94, 126, 134, 255

grants, 77, 78, 324

leases, *see* Leases

offices, 5, 143

parks, 23, 39, 93, 94, 179

patents, 155

prices, 5

public pasture, 123

purchase, 35, 91, 93, 94, 243

 Harmony Societies, 7

 poor farm, 17

 remonstrances, 93

sales, *see* Sales

school, *see* School lands

state, *see* Indiana, State of

surveys, *see* Surveys

taxes, *see* Taxes, property

titles, 37, 155

tracts, 5

transfers, 53, 59, 254, 255, 62-70

 index, 60, 61

Landers, Jacob, 6

Landlord liens, 62, 86vi

Lane, John DeVaughn, 16

Leases, 62, 89

 gas, oil, and mineral, 62, 89

 land, 156

 school, 226

 public buildings, 91

 railroad equipment, 156

Lee, Arza, 102

Legislature, *see* Indiana, general assembly

Leprosy, 84

Lesueur, Charles Albert, 10

Letters

administrators and executors, 139, 141, 143, 147

guardians, 142, 143, 147, 148

patents, 44, 62, 86vi

Levees

See also Drainage

maintenance, 92

petitions, 122, 251

plans and specifications, 92, 314, 343

viewers, 251

Levies, *see* Judgments; Taxes, property

Libraries, 23, 122

funds, 11

Indiana State Library, 96, 97, 326

tax exemptions, 56, 256

township, 290

working mens' institutes, 10, 23

Licenses, 31

amusement operators, 11, 12, 64, 232, 253

attorneys, 172

brokers, 63, 143

burial, 35, 299

chiropractors, 63, 141

dentists, 63, 141, 35

dogs, 62

drugless healers, 63, 141, 33, 34

fees, 66, 137, 232

ferry, 11, 12, 64, 65, 123, 127, 7

firearms, 63, 141, 200, 49, 50

foreign corporations, 157

grocery store, 12

hunting, trapping, and fishing, 63, 137, 141, 45-48

junk dealers, 63, 141, 33

liquor, 11, 63, 64, 66, 143, 232, 253

applications, 211, 3

liquor (cont.)

dealers' bonds, 144, 8, 9
 saloons, 253
 marriage, 63, 84, 141, 142, 28,
 29
 affidavits, 28, 31
 applications, 84, 142, 28,
 30
 merchants, transient, 64, 253
 midwives, 63, 141
 motor vehicle operators, 50,
 66
 occupations, 49, 50
 optometrists, 63, 141, 36
 osteopaths, 63, 141
 peddlers, 64, 253
 petty money lenders, 64, 143
 physicians, 63, 141, 33
 poultry dealers, 63, 141, 39
 public property, use of, 89
 school officials, 293
 stallion, 64, 143, 43
 surgeons, 63, 141
 taverns, 11
 teachers, 80, 292-294, 278
 vendors, merchandise, 7
 foreign, 12, 143, 232
 veterinaries, 63, 64, 143
 warehouses, public, 64, 253

Liens
See also Mortgages
 laborers, 156, 157
 landlord, 62, 86vi
 materialmen, 156, 157
 mechanics, 157, 62, 82, 83,
 86
 old-age assistance, 86, 308
 sire, 62, 86vi
 taxes, 51
 federal, 157
 threshermen's, 62, 86vi
 transfermen, 156
 vendors' satisfactions, 157

Liquor
 dealers' bonds, 144, 8, 9

election, local option, 246,
 247
 licenses, *see* Licenses
 prices, 12
 saloons, 253
 taverns, 11, 12
 taxes, *see* Taxes, excise

Lis pendens
 certificates of sale, 123
 complaints, 121
 notices, 140, 122
 redemption, 123

Listers, 28

Lists, *see* Jury; Registration;
 Taxes, property

Little Turtle, Chief, 2

Livestock, *see* Animals

Load limits, 95, 321, 322

Loans, *see* Bonds; Mortgages;
 School fund

Local option, *see* Liquor

Lost records, 96

Lots, *see* Real estate

Louisiana, State of, 15

Loundon, William, 102

Lynching, 123, 199

Lynn, Dan, 5, 12

Lynn Township, 7

Maclure, William, 10, 21

Maclure, William M., 12

Magistrate's court, 30

Males, enumerations, 22, 232,
 248

Mandamus
 appropriations, 25, 133
 bridge maintenance, 35
 official bond approval, 35
 tax levies, 133
 warrants, issuance, 35, 244

Mannomy, John, 102

Mantoux test, tuberculosis, 293

Maps and plats, 155, 216, 260
See also Plans

Maps and plats (cont.)

- assessor's book, 247
- canals, 148
- cemetery lots, 71, 72
- cities and towns, 71
- drainage, 92, 343, 345
- Posey County, 313
- recorder's book, 71
- roads, 90, 143, 321, 322
- state lands, 251
- township, 53, 255
- Marean, Herbert W., 19
- Marks and brands
 - animals, 144, 156
 - fence marks, 156
 - food and drug, 83
 - timber, 142
 - trade marks, 142
- Marriages, *see* Vital statistics
- Marrs, Samuel R., 6
- Marrs Township, 4, 7
- Martin County, 174, 175
- Materialmen's liens, 156, 157
- Maternity cases, health nurse,
 - 301, 302, 294ii
- Mayors, 222, 294
 - Mount Vernon, 220
- McDaniels, Miles, 16
- McFadden, Andrew, 20
- the McFaddins, 4
- Meat inspection, 297
- Mechanics' liens, 157, 62, 82,
 - 83, 86
- Medical examination board,
 - 211
- Memorial buildings, 92
 - coliseum, Mount Vernon, 104
- Memphis silt loam, 19
- Meridian line, 122, 156, 315
- Miami Indians, 2
- Miami silt loam, 19
- Michigan, State of, 3
- Midwives, 63, 85, 141
- Mileage allowances, 137, 196,
 - 203, 213, 307, 308, 312

Military

- associations, tax exemp-
 - tions, 56
- burial claims and allow-
 - ances, 16, 17, 210
- discharges, 155, 156, 90
- enrollment, 51
- enumerations, 144, 248
 - deceased and disabled, 248
- hunting and fishing permits
 - issued to veterans, 48
- Indiana National Guard, 56
- monuments, 92
- tax exemptions, veterans,
 - 50, 256, 240
- voting restrictions, 76
- Mill Creek, 1
- Miller, J. C., 19
- Miller, John, 16
- Mills, 20, 21
- Mills, Felix, 102
- Mineral leases, 62, 89
- Miners' examination board, 124
- Miners, *see* Children; Juvenile
 - causes
- Minutes of meetings
 - commissioners, board of, 18,
 - 16, 1
 - index, 2
 - council, county, 21
 - education, board of, 274
 - finance, board of, 180
 - public welfare, board of,
 - 296
 - review, board of, 177
 - tax adjustment, board of, 178
 - township trustees, school
 - superintendents' elec-
 - tions, 263
- Miscellaneous records, re-
 - corder, 156, 158, 86
- Misdemeanors, 44, 45, 199, 209
- Mississippi, State of, 15
- Mississippi River, 3, 8

- Moffet, Adam, 12
- Money lenders' licenses, 64, 143
- Mortgages, 96, 155, 314, 62, 86vi
See also Liens
 assignments, *see* Assignments
 chattel, 62, 75, 79-81
 fixtures, 157
 minute book, recorder, 78,
 index, 73, 74
 foreclosure sales, *see* Sales
 index, 159, 73, 74
 real estate, 62, 75, 76
 releases, 155
 school fund loan, 227, 228,
 62, 75, 77, 183
 apportionment, 228
 tax exemptions, 56, 57, 59, 60,
 73, 256, 239, 240
- Motor vehicles
 certificates of titles, 50
 chauffeurs' licenses, 50, 66
 deaths from, 205
 highway account, 60, 91
 operator's licenses, 50, 66
 registrations, 37
- Mount Carmel, Ill., 15
- Mount Vernon, 1, 4, 5, 7, 12-14,
 17, 18-21, 23, 98-100, 241
 mayors, 220
 schools, 19
- Murder, 44-46, 123, 209
- Murphy, Edward, 12
- Muscatatuck Colony, 137
- Name, change of, 211
 firms, 62, 86vi
- Names, trade, 142, 40
- National guard, tax exemp-
 tions, 56
- Naturalization
 appeals, *see* Appeals
 declarations of intention,
 107
- jurisdiction
 circuit court, 38, 41, 171,
 173, 178
 common pleas, court of,
 42, 177
 petitions for, 108
- Neef, Joseph, 10
- Neglected children, 87
- Negroes
 enumerations, 22, 248
 register, 143, 52
 schools, 80
- New Harmony, 7-11, 13, 14, 22, 23
 schools, 10, 19
 societies, 7-11, 21
- New Harmony Memorial Com-
 mission, 11
- New Orleans, La., 14, 20
- New Orleans, steamboat, 14, 15
- Newspapers
 Democrat, 21
 Disseminator, 21
 Free Enquirer, 21
 Indiana Statesman, 22
 Mt. Vernon Democrat, 94
 Nashoba Gazette, 20
 New Harmony Advertiser, 96
 New Harmony Gazette, 21
 New Harmony Register, 95
 New Republic, 21
 preservation, 96, 122, 156
 Register, 22
 Republican, 21
 South Western Advocate, 21, 97
 Umpire, 21
 Union, 21
- New York, N. Y., 21
- New York, State of, 15
- Nomination of candidates, 74,
 279-281
 petitions, 287
- North, Darius, 20
- Northwest Territory, 3
 governor, 25

Notaries public, 211

bonds, 142, 24-26

Notes, field, 156, 315, 309

Notices

See also Notices by publication

appeal, 100, 131

attachment, 122

depository resignations, 69

drainage, 92

easement disputes, 157

elections, 198, 199

estranged animals, 53

federal tax liens, 157

inheritance tax, 61

lis pendens, 140, 122

mechanics' liens, 62, 82,

83, 86

name changes, firms, 62,

86vi

property taxes

assessments, 52, 53, 55

sales, 60, 258

roads and bridges, 90

by voters to hold residence,

265

Notices by publication, 138,

139

See also Notices

bond issues, 73

budget estimates, 47

claims and allowances, 67,

69, 243

condemnation hearings, 252

county property, sale of, 89

elections, 285

land purchases, 93

receipts and disbursements,

72, 123

road and bridge petitions,

90

school funds unloaned, 228

service of process, 138, 139

specifications for bids, 32,

92, 100

tax sales, 60, 258

warrant payment, 70, 71, 244, 245

Nurses

certificates, 63, 142

public health, *see* Public
health nurse

register, 37

school, reports on children,
286

superintendent, health dis-
trict, 301

Oaths, 122, 180

See also Affidavits

administrators and execu-
tors, 147

guardians, 147, 148

Occupation licenses, 49, 50

Officials, county

See also specific titles

appointments, *see* Appoint-
ments

bonds of, *see* Bonds

constitutional offices, 136,

152, 153, 169, 172-174, 195,

198, 202, 203, 206, 208, 229,

232, 240, 242, 312

expense estimates, *see* Bud-
get estimates

historical list, 27-30

injunctions against, 35, 36

present list, vii, viii

removal of, *see* Appeals;
names of officials

Officials, state, *see* Indiana,
State of

Officials, township, *see* Town-
ships; Township trustees

Ohio, State of, 3

Ohio River, 1, 2, 5, 12, 14

flood of 1937, 23, 24

Ohio Valley, 3

Oil production, 23

leases, 62, 89

Old-age assistance

See also Public welfare, department of
applications, 298
index, 299

awards, 88, 155, 308, 300, 301
cancelled, 297, 302
certificates, 86, 249, 308,
84, 85

reimbursements, 86, 308
claims, 305
certificates, 306
liens, 86, 308
pensions, 249, 306

Options, 62, 86vi

Optometrists' licenses, 63,
141, 36

Orange County, 4, 26, 171

Order Books

See also Orders

auditor, enumeration corrections, 248

civil

circuit court, 200, 114
common pleas, court of,
115

commissioners, board of, 250

criminal

circuit court, 200, 114, 135
common pleas, court of,
115

estate and guardianship
causes, 153

inheritance tax, circuit
court, 154

juvenile causes, 158

probate causes, 153

Orders, 198

See also Order books; Writs

appellate court, 199

boundary changes, 246

canvassers, board of, 283

circuit court, 39

allowances, 225

commitments to custody,
166

inheritance tax, 154, 188

insanity commitment, 104,
105

judgment execution, 39,
140, 179

Riley hospital commitment,
159

commissioners, board of, 16,
94, 96, 122, 126, 199

disbursements, 89

council, county, 125, 199

disbursements, school funds,
254, 255

election commissioners,
board of, 289

establishing claims, 68

praecipies, 120

public instruction, state
superintendent of, 79

review, board of, 199, 220

supreme court, 199

Ordinance of 1787, 77

Ordinances, 134

appropriations, 47, 48, 133,
135, 22

for borrowing money, 73, 89,
133, 250

sale or purchase of real estate,
89

Orphan children, 87

Osteopaths' licenses, 63, 141

Ottawa Indians, 2

Ouatennon, 3

Overseers of the poor, 16, 306

Owen, David Dale, 10

Owen, Robert, 8-10

Owen, Robert Dale, 9, 10, 13,
21

Owen, William, 9, 21

Owensville, 15

Pardons, 46

- Parks, 93, 94
 cities and towns, 23, 29, 94, 179
- Partition, real estate, 156,
 62, 69, 143, 144
 index, 60, 61
- Partnerships, 144, 157
 trade names, 40
- Pasteur treatment, hydrophobia, 299
- Pasture lands, 123
- Patents
 certificates, 142, 44, 62, 86vi
 land, 155
- Patheological tests, 83
- Paupers, 16, 17, 89, 144
- Peace bond proceedings, 211
- Peddlers' licenses, 64, 253
- Penalties, tax, 52, 54, 60, 61, 210, 254, 258
- Pensions, *see* Old-age assistance
- Permits, *see* Licenses
- Perry County, 26, 171, 174, 175
- Personal property
 assignment, welfare assistance, 86
 county property, sale of, 89
 mortgages, *see* Mortgages
 registration of titles, 37
 tax assessments, 11, 49, 51-53, 56, 57, 59, 60, 81, 253-255, 236, 238
- Pestalozzi, 10
- Petitions
 See also Applications
 bridge, 90
 commissioners' court, 3
 condemnation, school buildings, 126, 134, 252
 drainage, 92, 251, 109
 elections
 county creation, 27
 liquor, local option, 247
 recount, 76
 grocery store licenses, 12
 insanity cases, 104, 105
 land purchase, 93, 94
 levees, 122, 251
 naturalization, 108
 nominations, 287
 parks, 93, 94
 railroad construction, 15
 real estate partition, 143, 144
 removal of officials, 247
 roads, 90, 126, 134, 251
 signature certificates, 55
 to tax commissioners, state board of, 55, 56, 256
- Pettymoney lenders' licenses, 64, 143
- Pfeffer, John, 102
- Philips, Samuel, 16
- Photographic recording, 96, 123, 159
- Physicians
 certificates, 33
 county physicians, 124
 health certificates, marriage, 84
 licenses, 63, 141, 33
 post-mortem examinations, 204
 reports of
 insanity cases, 104, 105
 vital statistics, 85
- Piankashaw Indians, 2, 4
- Pike County, 82, 174, 297, 301
- Pistols, licenses to carry, 141
- Pitcher, John, 13
- Pittsburgh, Penn., 20
- Plank roads, 13
- Planning commission, 30, 124
- Plans, 32
 See also Maps and plats

Plans (cont.)

- bridge, 90, 314, 325-330, 333-340
- building, 92
- courthouse, 102, 349
- culverts, 330-332
- ditch, 92, 314, 344
- drainage, 90, 92, 314
- jail, 102
- levees, 314, 348
- revetments, 346, 347
- road, 90, 314, 314-324
- Plats, *see* Maps and plats
- Pleadings, 138, 100, 131
 - index, 101, 102
- Pneumonia serum, 83
- Point Township, 4, 7, 16, 24
- Policemen, 142
- Political maps, *see* Maps
- Political parties, 74, 217, 220, 273, 275, 278-281, 283, 284, 286-288, 307
- Poll
 - books, 76 247, 283, 285, 287, 288
 - clerks, 28, 75, 280, 282, 286, 288
 - enumeration of, 252
 - taxes, *see* Taxes, poll
- Polling places, 76, 287
- Poor asylum, 16, 17, 89, 306
 - expense estimates, 3, 6
 - inspections, 122
 - superintendents' reports, 86
- Poor relief
 - See also* Public welfare, department of
 - accounts, township, 249
 - administration, general, 89
 - claims and allowances, 31, 89, 231, 232
 - overseers of the poor, 16, 306
 - physician for, 124
 - receipts and disbursements, 16, 17, 89, 249, 306
 - serums and vaccines, 83
 - tax levies, 306

- Population
 - New Harmony, 8
 - Posey County, 5
 - salary apportionment by, 297
 - township, tax assessment, 49, 215 219, 248
- Pork inspection, 297
- Posey, Thomas, 1
- Posey County
 - agent, 27, 98, 243
 - claims, 15
 - agriculture, 19, 20, 22
 - area, 1
 - boundaries, 1, 5, 7
 - creation and organization, 5-7
 - drainage and topography, 1, 2
 - education, 17-19
 - first
 - courthouse, 98
 - disbursement orders, 6
 - fair, 19
 - jail, 100
 - industries, 8, 20, 21
 - land entered, 4
 - lot sales, 6
 - newspapers, 21
 - officials, 5, 6
 - railroads, 15
 - roads, 13, 14
 - school, 17
 - school tax, 31, 77
 - settlers, 4, 5
 - tannery, 20
 - gas and oil production, 23
 - governmental organization, 24-95
 - historical sketch, 1-24
 - location, 1
 - maps and plats, 313
 - population, 5, 22
 - present, 22-24
 - rainfall, 2
 - soils, 19, 20

Posey County (cont.)

- temperature, 2
- topography, 1
- Posey County Fair Association, 19
- Poseyville, 19, 23
 - school, 19
- Post Miami, 2
- Post-mortem examinations, 204
- Potawatomi Indians, 2
- Poultry dealers
 - licenses, 63, 141, 39
 - reports to sheriff, 200
- Powers of attorney, 156, 62, 88
- Praecipies, 120
- Precinct election board, 75, 280, 288
- Precincts, *see* Elections
- Preliminary Society of New Harmony, 8
- Present officials, vii, viii
- President judge, circuit court, 5, 38, 172, 178
- President of the United States, 170
- Price, Gillison, 16
- Primary elections, *see* Elections
- Primary election commissioners, board of, 29, 74, 278-281
 - See also* Elections
 - records of, 266-269
 - location of, 106, 107
- Prison bounds, 144
- Prisoners
 - jail, 45, 122, 198, 168
 - medical services, 124, 298
 - sheriffs' reports on costs, 3, 4
 - lynching, 123, 199
 - meals, allowance, 196
 - transportation of, claims, 224
 - workhouse, 122
- Probate causes, 139
 - See also* Administrators; Civil causes; Estate causes; Executors; Guardianship causes; Probate court; Wills
 - dockets
 - court, 111, 152
 - issue, 113
 - sheriff, 161
 - jurisdiction, 38, 41, 172, 173, 175, 176, 178
 - order book, 153
- Probate court, 30, 38
 - See also* Probate causes
 - appeals, *see* Appeals
 - clerk, 42
 - judge, 175, 176
 - jurisdiction, 40, 41, 173, 175, 176
- Probation officer, 28, 43, 180, 308
- Proofs of publication, *see* Notices by publication
- Property, *see* Personal property; Public property; Real estate
- Prophet, the Chief, 4
- Prosecuting attorney, 28, 31, 36, 43, 44, 60, 75, 206-212
 - record of, 174
 - location of, 105
- Prosser, Charles L., 21
- Prosser, Thomas F., 21
- Public debt, 73, 74
- Public health nurse, 28, 82, 104, 300-305
 - See also* Health officer
 - records of, 293-295
 - location of, 106
- Public instruction, superintendent of, *see* Indiana, State of

- Public property
 airports, 94
 buildings, 11, 31, 32, 89, 91, 93, 99, 126, 134
 contracts, 16, 92, 98-100, 102, 121
 donations for, 6, 98, 102
 inspections, 46, 122, 298, 306
 leases, 91
 sites, 35, 89, 91
 fairgrounds, 19, 94
 forests, 93, 94, 126, 134
 land, 13, 93, 94, 126, 134, 228
 license to use, 89
 parks, 23, 39, 93, 94, 179
 pasture, 123
 sales, *see* Sales
- Public records, commission of, 30, 97, 179, 325-327
- Public records, commission on, state, *see* Indiana, State of
- Public safety, department of, *see* Indiana, State of
- Public utilities, taxes, 50, 56
- Public warehouses, 64
- Public welfare
 acts, 86, 88
 board of, 30, 179, 306, 307, 309
 actions on applications, 297
 minutes, 296
 department of, state, *see* Indiana, State of
 director of, 27, 43, 180, 306-308
 claim certificates, 306
 recommendations, 297
- Public welfare, department of, 30, 31, 67, 86-88, 305, 309
- See also* Blind assistance; Children; Old-age assistance; Poor relief
- records of, 296-303
 location of, 106
- Publication of notices, *see* Notices by publication
- Public works, board of, city, 39, 179
- Purdue University
 agricultural extension service, 322-324
 county agents' reports, 351-359
 road school, 314, 322
 scholarships, 125
- Quarantine, 84, 298
 animals, hydrophobia, 299
- Quiet title
 judgments, 155, 66
 index, 60, 61
- Quietuses, 70, 72, 244, 229
 for fees collected, 66, 250
 school fund loans, 228
- Quitclaim deeds, school lands, 259
- Quo warranto proceedings, 210, 211
- Rabies, *see* Hydrophobia
- Rafinesque, Constantine, 10
- Railroads
 Chicago and Eastern Illinois, 15
 construction petitions, 15
 crossings, 210
 Evansville and Terre Haute, 15
 Illinois Central, 15
 inventories, 254
 leases of equipment, 156
 Louisville and Nashville, 15
 Mount Vernon and Grayville, 15
 Mount Vernon and Evansville, electric, 15
 New York Central, 15

Railroads (cont.)

- Peoria, Decatur and Evansville, 15
- policemen, 142
- right-of-way, 62, 86vi
- service of process, 142
- taxes, 50, 254
- Rankin, James, 20
- Rapp, Frederick, 6
- Rapp, George, 7
- Rapp, J., 12
- Rappites, 7-11, 13
- Rat extermination, 83
- Real estate
 - See also* Land
 - appraisements, *see* Appraisements
 - assessments for public improvement, *see* Assessments
 - bonds to sell, 149
 - causes, complete record, 125, 126
 - deeds, *see* Deeds
 - leases, 62, 89
 - liens, *see* Liens
 - lots, 11, 123
 - Blackford, sales of, 6
 - cemetery, 62, 64, 71, 72, index, 60, 61
 - mortgages, *see* Mortgages
 - partition, 156, 62, 69, 143, 144
 - index, 60, 61
 - quieting titles, 155, 66
 - index, 60, 61
 - sales, *see* Sales
 - taxes, *see* Taxes, property
 - transfers, 53, 254, 255, 62-70
 - book, auditor, 53, 235
 - index, 60, 61
 - tax duplicate, 53, 59
 - welfare assistance, 86
- Receipt of funds
 - See also* Funds; Receipts issued
 - alimony and support, 127
 - auditor, 214, 218, 230
 - clerk of the circuit court, 140, 144, 54, 56, 57
 - commissioners, board of, statement, 72, 123
 - dog fund, 63, 210i, 211
 - fees and fines, 65, 66
 - assessor, 213
 - auditor, 241, 259, 219
 - bailiffs, 69
 - clerk of the circuit court, 65, 66, 137, 144, 145, 223, 224, 249
 - commissioners, master, 69
 - coroner, 203
 - election officials, 284, 288
 - general funds, 66
 - jury fees, clerk of the circuit court, 66, 69, 249
 - justices of the peace, 39, 212
 - liquor license fees, 66, 232
 - prosecuting attorney, 207, 211
 - recorder, 65, 153, 158, 249, 59, 93
 - registration officer, 273
 - review, board of, 50
 - sheriff, 65, 69, 196, 200, 249, 170, 171
 - surveyor, 312, 314
 - treasurer, 65, 66, 230, 232, 234, 249
 - unclaimed, 66
 - notices by publication, 72, 123
 - poll taxes, 50
 - poor relief, 306
 - roads, 13, 66
 - school fund, 17, 67, 77-82, 294, 202, 205, 256
 - mortgage payments, 227, 218, 252, 253
 - sheriff, 200, 169

Receipt of funds (cont.)

- township trustees, 259, 209
- dog taxes, 210i, 211
- treasurer, 62, 69, 71, 72, 211, 227, 228, 230, 232-234, 250, 199, 200, 202, 204, 205
- cashbook, tax collections, 186, 200
- treasurer, state, 62, 232, 234
- venue, change of, costs, 137, 260, 221
- welfare funds, 67, 308, 309
- reimbursement by recipients, 86, 308

Receipts issued

See also Receipt of funds

- dog tax, 62
- internal revenue tax, 62, 86vi
- old-age assistance reimbursements, 308
- recorder, 158
- road assessments, 234
- tax redemption, 245
- treasurer, 228, 244, 196, 228
- drainage assessments, 233
- inheritance tax, 61, 62, 157, 189
- property tax, 187, 194

Receivership, 139

- releases, 62, 86vi

Recognizance bonds, 197, 204,

- 205, 114, 133, 135

forfeitures, 210, 211

Recommendations, welfare director, 297

Recorder, 5, 29, 31, 37, 75, 86, 91, 98, 152-159

- records of, 59-97

location of, 104, 107

Records

- classification, 97, 326, 327
- commission of public records, 30, 97, 179, 325-327
- commission on public records, state, 97, 326

- of elections, 281, 289
- housing, care, and accessibility, 98-107
- location, 104-107
- lost or destroyed, 96, 97, 259, 277, 326, 327
- elections, 283
- preservation, 122, 260, 326
- state library, 96, 97, 326, 327
- recordation, 37, 158
- entry book, recorder, 59
- photographic, 96, 123, 159
- system, 95-97

- approval, accounts, state board of, 70, 95, 123, 244

Recount, elections, 76, 77

Rector's base line, 5

Redemptions

- bonds, 66, 73, 74, 82, 91, 250
- judicial sales, 139, 140
- sheriffs' sales, 123
- tax sales, *see* Taxes, property
- warrants, 70, 71, 234, 244, 245, 259

Reform law, county, 81

Registration

- dentists, certificates of, 157
- drugless physicians, 33, 34
- jail register, 168
- motor vehicles, 37
- negroes, 143, 52
- nurses, 37
- personal property, 87
- physicians, 33
- Torrens system, land titles, 87

of voters, *see* Voters

Registration, board of, precinct, 30, 274

Registration commissioners, board of, 29, 274

Registration officer, 29, 76,
272-277

See also Clerk of the circuit
court; Elections
records of, 264, 265
location of, 105, 107

Registry, board of, township,
30, 273

Releases

bankruptcy, 62, 86vi
federal tax liens, 157
judgments, 62, 86vi
mortgages, 155

Remonstrances, 3

See also Appeals

bond issues, 73, 250
bridge, 90
drainage, 92
park purchase, 93
road, 90

Removal of officials, *see* Ap-
peals; Grand jury; Judges

Reports

See also Returns

administrators, 141, 143
agricultural agent, 324,
351-359
appraisers, inheritance tax,
61
executions, sheriff, 200
executors, 141, 143
financial, *see* Financial re-
ports
firearms, sales of, 200
fire insurance premiums and
losses, 252
guardianship causes, 142, 143
by health officers, 84, 85,
299
by home demonstration
agent, 324
hunting and fishing licen-
ses, 47
infant eye inspection, 84

institutions, 86

judges, circuit court, clerk's
records, 125

midwives, 85

marriage, 85

physicians

insanity, 104, 105

vital statistics, 85

poor asylum, 86

poultry dealers, 200

probation officer, 180

prosecuting attorney, 36

public health nurse, 305, 294

public welfare, 249, 308

roads, 322

schools

attendance, 294, 284, 285

enrollment, 287

examinations, 281

nurses, 286

superintendent, 294, 275

teachers' licenses, 293, 294

trustees, 276

treasurer, tax sales, 232

viewers, 252, 3

Reprieves, 46

Requisitions, road supplies,
252

Retirement of bonds, 66, 73,
74, 82, 91, 250

Returns

See also Reports

births, 85, 304, 289

deaths, 85, 292

diseases, 84, 85, 299, 303, 291

election, 76, 246, 247, 279, 282,
285, 270, 273

enumerations, 248

insanity, sheriff, 104, 105

marriages, 85, 142, 28, 29,
32, 290

taxes, 215, 216, 253

Revenue bonds, *see* Bonds

Revetment plans, 346, 347

- Review, board of, 30, 52, 54,
55, 59, 217-220
minutes, 177
location of, 105
- Revocation
awards, public welfare,
297, 302
depository, 69, 224
foreign corporation admit-
tance, 157
- Rewards, 123
- Richardson, Abraham, 16
- Riley hospital, 87, 137
commitment orders, 159
- Roads, 143
See also Highway supervisor
assessments, 90, 122, 252, 191
receipts issued, 234
bonds, 90, 11
retirement, 66
construction, 13, 14, 31, 90,
121, 125-127, 134, 251, 314
commissioners' record, 18
corduroy, 13
districts, 125, 321
estimates, 322
funds, 13
claims and allowances, 350
disbursements, 35, 66, 90, 91,
321, 322, 210iv, 350
receipts, 13, 66
gravel, 14
load limits, 95, 321
maintenance, 66, 90, 91, 121,
125, 126, 251, 321, 322, 314-
324, 350
compulsory work, 13
maps and plats, 90, 143, 321,
322
mileage, 23, 66
names, 90, 321
petitions, 90, 126, 134, 251
remonstrances, 90
plank, 13
plans and specifications,
90, 314, 314-324
railroad crossings, 210
requisitions, materials and
supplies, 252
school, Purdue University,
314, 322
state, 13, 23, 66, 90, 91, 324
superintendent, 27, 125, 321
supervisor, 28, 321
taxes, 135, 252, 191
motor vehicle highway ac-
count, 66, 91
toll, 14
traffic control, 94, 122, 211,
321
turnpike directors, board
of, 29, 125, 321
viewers, 90, 198, 251, 252
- Robb, James, 16
- Robb Township, 7, 15
- Robinson, Amos, 4
- Robinson Township, 7
- Salaries, *see* names of offi-
cials
- Sales
bills of sale, 62, 86iii
estate and guardianship,
141, 143, 151
bonds, 73, 134, 250
contracts, 62, 86vi
county property, 31, 89, 91,
92, 99, 121, 243
courthouse, 99
federal lands, 18
firearm dealers, 200
licenses, 50
fixtures, 157
intangible tax stamps, 62,
223
jail, 100, 102
judicial, redemptions, 139,
140

Sales (cont.)

real estate, 11, 89, 91, 92, 94,
 133
 bonds for, 149
 cemeteries, 94
 lots, 6, 11
 New Harmony, 8, 10
 school fund loan, 251
 by retail stores, 22
 school lands, 18, 77, 78, 226-
 228, 259
 seminaries, 78
 sheriff, 140, 199, 165
 certificates, 123
 deeds, 199, 67, index, 60,
 61
 redemption, 123
 reports, 200
 state lands, 77, 78, 94, 143,
 226, 251, 259, 260
 for taxes, 60, 232, 233, 258,
 260, 243
 certificates, 60, 232, 258,
 244
 deeds, 60, 61, 232, 258, 260,
 62, 65, index, 60, 61
 redemption, 47, 60, 61, 258,
 260, 244, 245
 textbooks, school, 290
 Saline lands, 94, 251
 Saloons, *see* Liquor
 Salt inspectors, 297
 Saltzman, Peter, 100
 Sampson, James, 16, 102
 Sanitation, *see* Health officer;
 Public health nurse
 Saw mills, 20
 Say, Thomas, 10
 School fund board, 30, 225-228
 See also Schools
 records of, 182, 183
 location of, 105
 School funds, 202, 205
 See also Funds; Schools
 collection, school superin-

 tendent, 294
 common school fund, 67, 78,
 205, 226, 227, 259, 277
 relief, 81, 294
 Congressional Township, 77,
 78, 226-228, 259
 distribution and disburse-
 ments, 47, 67, 70, 78-82, 226-
 228, 245, 259, 294, 203, 206,
 250, 254-256, 276, 284, 285
 superintendents' reports,
 210iii, 277
 federal land grant, 77, 78
 financial statements
 auditor, 250
 treasurer, 207, 210ii
 fines, 17, 78, 226, 232
 Indiana University perma-
 nent endowment fund, 78,
 79, 227
 intangible tax, 66, 67, 81
 liquor tax, 81
 loans, 226, 259, 248
 applications, 182
 apportionment of mort-
 gages, 228
 appraisements, 227
 deeds, 62, 68, index, 60, 61
 fees, 225
 interest, 78, 79, 227
 inventories, 249
 mortgages, 227, 228, 62, 75,
 77, 183, index, 73, 74
 payments and collections,
 227, 228, 218, 252, 253
 sales of security, 251
 statement of condition,
 auditor, 228, 250
 title approval, 227
 management, warrants for, 245
 seminaries, 17, 18, 78, 226
 state, general fund of, 80, 81
 superintendent of schools,
 294, 275

School funds (cont.)

- tax levies, 77, 78, 80, 81
- poll taxes, 81
- township trustees' reports, 276
- unloaned, 228
- School lands, 18, 77, 78, 226-228, 259
 - leases, 226
 - title, records destroyed, 259
- Schools
 - See also* Education, board of;
 - School fund board; School funds; School lands; Schools, superintendent of; Teachers
 - attendance officer 290, 291, 293
 - blind, 87
 - bonds, retirement, 82
 - books, 290
 - buildings
 - condemnation, 126, 124, 252
 - construction, 17, 18, 82
 - children
 - attendance, 18, 67, 80-82, 227, 280, 284
 - distribution, 259
 - enrollment, 17, 23, 287
 - enumeration, 18, 19, 249, 294, 280
 - examination, 281
 - health activities, 302, 286, 294ii
 - negroes, 80
 - transfers, 215
 - withdrawal, 282
 - city and town, 23, 294
 - board, 79, 222, 289, 290
 - trustees, 79-81, 220, 289, 290
 - closing by health officer, 288
 - commissioners, 28, 144, 222, 226
 - curriculum, 17, 18
 - examiners, 28, 292, 293
 - Fort Wayne State School, 137
 - graduation, 294, 283, 288
 - high schools, 19, 294
 - enrollment, 23
 - inspections, 80
 - lands, *see* School lands
 - laws, 77
 - negro, 80
 - New Harmony, 10, 19
 - principals, 293
 - property, 290
 - appraisement, 215
 - road, Purdue University, 314, 322
 - scholarships, Indiana University, 125
 - sections, trustees, 29, 226
 - seminaries, 17, 18, 78, 226
 - land, 78
 - trustees, 17, 29, 226
 - state aid, 80
 - certificates of needs, 81, 82, 294
 - superintendents' licenses, 293
 - supervisors' licenses, 293
 - supplies, 290
 - system, 23
 - taxes
 - exemptions, 49, 56, 256
 - first tax law, 31, 77
 - levies, 77, 78, 80, 81
 - term, 17, 18
 - textbooks, 80, 290
 - townships, 23, 79, 259, 294
 - trade, 10
 - trustees, 294
 - bonds, 261
 - cities and towns, 79-81, 220, 222, 289, 290
 - disbursements, 276
 - tuition, 18, 81, 82
 - vocational, 80, 82

- Schools, superintendent of,
28, 79, 82, 291-294
See also Schools
election records, 263
records of, 275-288
location of, 106
- Sears, David, 12
- Secretary of state, *see* Indiana, State of
- Seminaries, *see* Schools
- Sentences, criminal causes,
39, 46, 179
- Settlements
auditor, claims, 244, 245
taxes, *see* Taxes, property
treasurer, 72, 123, 282, 234
- Shanklin, John, 12
- Shawnee Indians, 2, 4, 13
- Shelby, David, 16
- Sheriff, 5, 29, 31, 42, 44, 45, 65,
69, 74, 75, 99, 195-200
records of, 161-171
location of, 104, 107
- Sheriff, election, 75, 280, 288
- Show licenses, 64, 232, 253
- Show's Ford, 4
- Sinking fund, 74
- Sire liens, 62, 86vi
- Smallpox virus, 83
- Smithsonian Institution, 10
- Smith Township, 7, 15
- Snyder, Samuel, 6
- Soaper, Virgil, 20
- Social Security Act, 308
- Soldiers, *see* Military
- Spalding, Joseph, 98
- Special elections, *see* Elections
- Specifications
bond issues, 250
buildings, 92
courthouses, 98
jail, 100
county contracts, 32
drainage and levees, 92, 314
material and supplies, 250
roads, bridges, and culverts,
90, 314, 314-340
- Spencer County, 4, 26, 174, 175
- Springfield, 6, 98-100
- Stallion, 156
licenses, 64, 143, 43
liens, 62, 86vi
- Stapleton, John, 98
- State, *see* Indiana, State of
- Statements, financial
See also Cash balances; Funds
candidates, expense, 77, 268,
272
commissioners, board of, 72,
123
depositories, 69, 70, 233
by express companies, 157
financial institutions, 252,
253
roads, 322
school fund, 228, 207, 250
treasurer, 70, 71, 210ii
- Steamboats, 8, 14, 15
- Stewart, William E., 5
- Stewartsville, 4
school, 19
- Subpoenas, 127, 139, 204, 248
civil causes, 100
criminal causes, 45, 100, 131
election commissioners,
board of, 283
index, 101, 102
- Summonses, 138, 177, 199, 100
index, 101, 102
- Sunlight Milling Company, 21
- Superintendent, county, *see* Schools, superintendent of
- Superior court judges, 283
- Support and alimony, 127
- Supreme court, Indiana, *see* Indiana, State of
- Surety of the peace, 211

- Surgeons' licenses, 63, 141
 Surveyor, 29, 31, 67, 75, 90, 92,
 95, 104, 312-315
 See also Surveys
 records of, 309-349
 location of, 106
 Surveys, 314, 310
 See also Surveyor
 drainage, 92, 312
 field notes, 156, 315, 309
 geological, 10
 Hovey's Lake, 311
 meridian line, 156
 soil, 19, 20
 Switzerland County, 26
 Syphilis, 84

 Tally sheets, election, 76,
 282, 283
 Tanneries, 20
 Taverns, 11, 12
 Tax adjustment, board of, 30,
 50, 58, 133, 220-222
 records of, 178, 179
 location of, 105
 Tax collector, 29, 31
 Taxes, excise
 corporations, 78, 233
 dogs and kennels, 62, 253,
 210i, 211
 financial institutions, 61,
 78, 233, 252, 253
 gasoline, 49, 66
 gross income, collection
 warrants, 167
 inheritance, 35, 49, 61, 139,
 213, 215, 233
 appraisement, 61, 62, 213,
 175, 188
 order book, circuit court,
 154
 receipts issued, 61, 62, 157,
 189
 intangible, 37, 62, 81, 158,
 215, 253, 176, 238
 stamp sales, 62, 233
 licenses, *see* Licenses
 liquor and taverns, 11, 63,
 64, 66, 81, 143, 144, 211, 232,
 253, 3, 8, 9
 Taxes, federal, *see* United
 States
 Taxes, poll, 49, 50, 81, 82, 233
 exemptions, 50, 125
 receipts issued, treasurer, 50
 Taxes, property, 37, 158
 abstracts, 60, 257-259
 accounting system, modern,
 123
 assessment for taxes, 11,
 49-59, 78, 212-220, 234, 253-
 256, 236-238
 plat book, 247
 assessment liens for public
 improvements, *see* Assess-
 ments
 budget, levy, and rate, 11,
 15, 31, 49, 51, 56-61, 73, 74,
 77, 80-82, 93, 120, 133, 135,
 221, 222, 227, 246, 249, 306,
 308, 179, 210
 collection, 31, 51, 60, 198,
 231-233
 cashbook, treasurer, 186,
 200
 distribution certificates,
 223
 fees of treasurer, 230
 receipts issued, 187, 194
 suits, 35, 36, 60, 210
 delinquent lists, 60, 257, 258,
 184, 195, 241, 246
 duplicates, 50, 53, 59, 62, 215,
 233, 251, 252, 254, 255, 257,
 258, 184, 185, 193, 194,
 241, 242
 exemptions, 49, 57, 59, 60, 73, 256
 affidavits, 56, 256, 239, 240

Taxes, property (cont.)

- insolvent, 192
- moratorium, 193, 194
- railroads, 254
- redemption, 47, 60, 61, 258, 260, 244, 245
- refunds, 121
- sales, 60, 232, 233, 258, 260, 243
 - certificates, 60, 232, 258, 244
- settlements, 72, 234
- tax deeds, 60, 61, 232, 258, 260, 62, 65
- index, 60, 61

*Tax ferrets, 124**Taxpayers' suits, 34-36**Teachers, 279**See also Schools*

- employment, 18, 19
- enumeration, 19, 23
- examinations, 292, 293
- institutes, 79, 293
- licenses, 80, 292-294, 278
- reports, 234, 285, 237
- salaries, 17
- success grades, 294
- training, 80, 293

*Tecumseh, Chief, 4**Tennessee, State of, 15**Textbooks, school, 80, 290**Theatre licenses, 253**Thomas, George W., 102**Thomas, James H., 16**Thomson, Pina L., 12**Threshermen's liens, 62, 86vi**Timber brands, 142**Time book, jury, 163**Tippecanoe, battle of, 4, 5**Tobacco*

- adjustments, 357
- inspection, 28, 297, 298

*Toll roads, 14**Torrens system, registration of land titles, 37**Towns, see cities and towns**Townships**See also Township trustees*

- accounts, poor relief, 249
- Bethel, 5, 7
 - bridge plans, 326
- Big Creek, 7
- Black, 4, 7, 15, 49, 215, 219
- Blackford, 7
- boundaries, 122, 143
- Casselberry, 7
- Center, 7, 15
 - road plans, 315
- clerk, 285
- Congressional, *see* School funds
 - creation and modification, 7, 122, 127, 143, 285
- Daniel, 7
- elections, 285, 288
- funds, 47, 71, 249, 209, 210i
 - poor relief, 306
- Harmony, 4, 7
- institute, teachers, 78, 293
- libraries, 290
- Lynn, 7
- maps and plats, 53, 255
- Marrs, 4, 7
- officials, bonds of, 142, 257-259
 - overseers of the poor, 16, 306
- Point, 4, 7, 16, 24
- population, 49, 215, 219, 248
- property-tax exemptions, 56
- registry, board of, 30, 273
- Robb, 7, 15
- Robinson, 7
- schools and school funds, 23, 79, 259, 294
- Smith, 7, 15
- supervisor, road, 321
- Wagnon, 7

*Township trustees**See also Townships*

- bonds, 142, 247, 257, 260

Township trustees (cont.)

- budget, 47
- deputy surveyors, 313
- disbursements, 209, 210i, 276
- dog taxes, 210i, 211
- election duties, 75, 273, 285, 286, 288
- enumerations, 248, 249
- poor relief, 89
- receipt of funds, 209
- roads, 321
- schools, 81, 289, 292-294
 - disbursements, 276
 - election of superintendent, 79, 246, 291, 263
 - loans, 226
 - tax assessments, 49, 215, 219, 222
- Trade marks, 142
- Trade names, 142, 40
- Traffic control, 94, 122, 211, 321
- Transcripts
 - appeals, 140, 243, 244
 - praecipies, 120
 - change of venue, 140
 - praecipies, 120
 - election contests, 247
 - judgments
 - justices of the peace, 124
 - quiet title, 66, index, 60, 61
 - wills, 145
- Transfermen's liens, 156
- Transfers
 - book, auditor, 53, 255, 235
 - real estate, *see* Real estate
 - school children, 215
 - voters' registrations, 273, 276
- Transient merchants' licenses, 64, 253
- Trapping licenses, 63, 187, 141, 45, 47
- Travel allowances, 187, 196, 203, 206, 207, 213, 292, 307, 308, 312
- Treason, 44, 46, 209
- Treasurer, 29, 31, 35, 50, 59-62, 65, 66, 68-72, 75, 91, 95, 229-235
 - records of, 184-207
 - location of, 105, 107
- Treasurer, state, *see* Indiana, State of
- Treasury balances, 72, 234
- Treaty of Greenville, 23
- Trevault, Robert W., 6
- Troost, George, 10
- Trust companies
 - depositories, 69, 223
 - taxes, 61, 233
- Trustees
 - accounts, 142
 - cities and towns, 222
 - inventories, 142
 - schools, 294
 - bonds, 261
 - cities and towns, 79-81, 220, 222, 289, 290
 - disbursements, 276
 - section, 29, 226
 - seminary, 17, 29, 226
 - township, *see* Township trustees
- Trust funds, *see* Funds
- Tuberculosis control, 84
 - by health nurse, 301, 303
 - Mantoux test, 293
- Tuition, 18, 81, 82
- Turnpike directors, board of, 29, 125, 321
- Typhoid fever vaccine, 83
- United States
 - bureau of soils, 19
 - Congress
 - acts of, 5, 13
 - election of members, 74
 - department of labor, 38, 178
 - geologist, 10
 - land, 3, 4, 13

land (cont.)

- grants, 77, 78, 324
 - offices, 5
 - naturalization, 107, 108
 - patent office certificates, 142, 44
 - President, 170
 - property-tax exemptions, 56
 - public health service, 85
 - road funds, 13
 - taxes, 157
 - receipts for payment, 62, 86vi
 - welfare funds, 47, 309
- Vanderburgh County, 1, 4, 174-176, 208
- Vendors
- licenses, 12, 143, 232, 7
 - foreign merchandise, 12, 143, 232
 - liens, 157
- Venereal diseases, 83, 84, 301, 303
- Venire, jurors, 140
- Venue, change of, 127, 260, 221
- transcripts, 140
 - praecipies, 120
- Verdicts
- circuit court, 46, 100, 131
 - coroner, 204
- Veterans, *see* Military
- Veterinaries, 124
- licenses, 63, 64, 143
- Viewers
- drainage and levees, 251
 - roads and bridges, 90, 198, 251, 252
- Vincennes, 3, 5, 13
- Virginia, State of, 3
- Vital statistics, 299
- births, 84, 85, 304, 289
 - bureau of, 84
 - deaths, 85, 292

- certificates, 85
 - coroners' fees, 202
 - inquests, 45, 204, 205, 172, 173
 - from motor vehicles, 205
 - soldiers, sailors, and marines, 248
 - voters, 299
- diseases, 83-86, 209, 303, 304, 291
- epidemics, 299
 - immunizations, 83
 - investigations, health officer, 84, 85, 298
 - quarantine, 84, 298
 - tuberculosis, 84, 301, 303
 - venereal, 83, 84, 301, 303
- divorces, 171, 173, 211
- jurisdiction, 33
- enumerations, *see* Enumerations
- marriages, 85, 180, 31, 32, 290
- affidavits, 23, 31
 - applications, 84, 142, 28, 30
 - certificates, 142, 28, 29, 32
 - licenses, 63, 84, 141, 142, 28, 29
- Vocational schools, 80, 82
- Volunteer firemen, tax exemptions, 50, 256
- Voters
- See also* Elections
- absent, 76
 - ballots, 266, 271
 - booths, 76, 122
 - deceased, 277, 299
 - disfranchised, 76, 277
 - qualifications, 75, 76, 273, 274
 - registration and lists, 76, 247, 272-277, 264
 - affidavits, 275
 - challenges, 276
 - residence, notices to hold, 265

- Voting machines, 76, 122, 286
 Vyrdale and Clarke, 102
- Wabash River, 1, 3, 5, 12, 13, 14
 flood of 1937, 24
- Wadesville school, 19
- Wagon Township, 7
- Waller, John, 4
- Warehouses, 64, 253
- Warrants for disbursements,
 69, 134, 233, 244, 259, 198, 226
See also Funds
 on allowances, 64, 69
 appropriations unexpended,
 48
 claims, 68, 70, 244, 245
 humane funds, 249
 insanity inquests, 70, 245
 interest, 71
 judgment payments, 245
 mandamus for, 244
 materials and supplies, 220
 redeemed, 70, 71, 234, 244,
 245, 259
 refund of taxes, 71, 258
 salaries, 70, 207, 245
 school funds, 70, 245
 tax collections, 62, 72
 taxes, state, 258
 welfare funds, 305
- Warrants to sheriff, 45, 199,
 100, 131
 gross income tax collection,
 167
- Warrick County, 4, 26, 171, 174-
 176, 208, 297, 301
- Washington County, 4, 26
- Water inspection, 83, 298, 304
- Waterways, 121
- Waverly silt loam, 19
- Wayne County, 26
- Webb, George, 12
- Weights and measures, 28, 122,
 143
- Weir, John, 20
- Weir, William, 4
- Wiers, John B., 12
- Welborn, Jesse, 98, 99
- Welfare, public, *see* Blind as-
 sistance; Children; Old-age
 assistance; Poor relief;
 Public welfare, department
 of
- White, Isaac, 4
- Whiting, Clement, 17
- Whitmore Handle Company, 21
- William Penn, steamboat, 8
- Williams, Aaron, 12
- Wills, 38, 140, 155, 62, 70, 143,
 146
See also Probate causes
 transcripts, 145
- Winemiller, Jacob, 98.
- Witnesses
 affidavits
 elections, 283
 marriage, 28, 31
 depositions, 139
 fees, 68, 69
 grand jury, 44
 subpoenas, 45, 139, 204, 248,
 283, 100, 131
 index, 101, 102
- Woody, John C., 20
- Woody, Winfield, 20
- Workhouse, prisoners, 122
- Working Men's Institutes, 10, 23
- Wright, Frances, 10, 21
- Writs
See also Judgments; Orders
 arrests, 45
 attachment, 139, 122
 certiorari, 170
 of error, 170
 execution, 164, 170
 garnishment, 139
 habeas corpus, 46
 praecipis, 120

Writs (cont.)

property inspection, taxes,

254

service on, 119, 161, 162,

171

against sheriff, 205

subpoenas, *see* Subpoenassummonses, *see* Summonses

Wyandotte Indians, 2

Young, Adam, 6

Young Men's Christian Asso-

ciation, property-tax ex-

emptions, 56

Yozos soils, 19



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